

Cannon	Hunter	Porter
Cantor	Inglis (SC)	Price (GA)
Capito	Issa	Pryce (OH)
Carter	Johnson (IL)	Putnam
Castle	Johnson, Sam	Radanovich
Cazayoux	Jones (NC)	Ramstad
Chabot	Jordan	Regula
Childers	Keller	Rehberg
Coble	King (IA)	Reichert
Cole (OK)	King (NY)	Renzi
Conaway	Kingston	Reynolds
Crenshaw	Kirk	Rogers (AL)
Culberson	Kline (MN)	Rogers (KY)
Davis (KY)	Knollenberg	Rogers (MI)
Davis, David	Kuhl (NY)	Rohrabacher
Davis, Tom	LaHood	Ros-Lehtinen
Deal (GA)	Lamborn	Roskam
Dent	Latham	Royce
Diaz-Balart, L.	LaTourette	Ryan (WI)
Diaz-Balart, M.	Latta	Sali
Doolittle	Lewis (CA)	Saxton
Drake	Lewis (KY)	Scalise
Dreier	Linder	Schmidt
Duncan	LoBiondo	Sensenbrenner
Ehlers	Lungren, Daniel	Sessions
Emerson	E.	Shadegg
English (PA)	Mack	Shays
Everett	Manzullo	Shimkus
Fallin	Marchant	Shuster
Ferguson	McCarthy (CA)	Simpson
Flake	McCauley (TX)	Smith (NE)
Forbes	McCotter	Smith (NJ)
Fortenberry	McCrery	Smith (TX)
Fossella	McHenry	Souder
Fox	McHugh	Stearns
Franks (AZ)	McKeon	Sullivan
Frelinghuysen	McMorris	Tancredo
Gallely	Rodgers	Terry
Garrett (NJ)	Mica	Thornberry
Gerlach	Miller (FL)	Tiahrt
Gingrey	Miller (MI)	Tiberi
Gohmert	Miller, Gary	Turner
Goode	Moran (KS)	Upton
Goodlatte	Murphy, Tim	Walberg
Granger	Musgrave	Walden (OR)
Graves	Myrick	Walsh (NY)
Hall (TX)	Neugebauer	Wamp
Hastings (WA)	Nunes	Weldon (FL)
Hayes	Paul	Weller
Heller	Pearce	Westmoreland
Hensarling	Pence	Wilson (NM)
Hерger	Peterson (PA)	Wilson (SC)
Hill	Petri	Wittman (VA)
Hobson	Pickering	Wolf
Hoekstra	Pitts	Young (AK)
Hulshof	Poe	Young (FL)

## NOT VOTING—15

Boswell	Feeney	Platts
Buyer	Gilchrest	Rush
Cubin	Green, Al	Wexler
Delahunt	Lucas	Whitfield (KY)
Engel	Melancon	Wu

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1310

Mr. WALSH of New York changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CARSON of Indiana). Pursuant to House Resolution 1339, S. 2062, as amended, is considered as passed and the House is considered to have insisted on its amendment and requested a conference with the Senate thereon.

# AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3890, TOM LANTOS BLOCK BURMESE JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2008

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make the following changes in the engrossment of the House amendment to the Senate amendment to the text of H.R. 3890 that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike subsection (c) of section 6 of the bill and insert the following:

(c) CONFORMING AMENDMENT.—Section 3(b) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note) is amended—

(1) by striking “prohibitions” and inserting “restrictions”;

(2) by inserting “or section 3A (b)(1) or (c)(1)” after “this section” and

(3) by striking “a product of Burma” and inserting “subject to such restrictions”.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert additional information into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1343 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5959.

□ 1313

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, intelligence is critical to every decision affecting America's national security. Whether the challenge is learning the intentions of our Nation's adversaries or detecting the location of the next roadside IED in Iraq, America needs a well-resourced and well-managed intelligence community.

□ 1315

This committee's primary responsibilities are to authorize funds for the intelligence agencies, to conduct vigorous oversight over their operations and to ensure that those operations are effective, legal and an appropriate use of taxpayer money.

Mr. Chairman, this afternoon I want to thank my colleague, Mr. HOEKSTRA, the gentleman from Michigan, for working with me in a bipartisan fashion to bring this bill to the floor. I also want to thank the staffs on both sides of the aisle for the great work that they have done to bring this bill to the floor today.

This year, as in years past, I have gone to the front lines to see our courageous intelligence professionals perform their jobs. They do this quietly, often without recognition or praise. Many spend time away from their families, often in very dangerous situations and under very dangerous conditions. This bill is the tangible sign of our support for the women and men of our America's intelligence agencies.

We're providing robust funding for our most important priorities including HUMINT, language capabilities and technical capabilities.

Our principal concern continues to be that al Qaeda is stronger today than at any time since September 11, 2001. Osama bin Laden and his key deputies remain at large. But al Qaeda is not the only terrorist group that has gained strength. Over the past 7 years, Hezbollah and Hamas have become more capable and even more determined. Dangerous states, including Syria, are pursuing nuclear capabilities. There is the possibility that one of these states, or even a rogue scientist, could transfer fissile material to a terrorist group. This must remain our foremost priority and our top concern.

This bill invests in people, our most precious resource. It adds funding to enhance human intelligence collection, not only for counterterrorism, but also for enduring and emerging global security issues, such as challenges that we face in Asia, Africa and Latin America, to name a few. This bill also contains a number of provisions that promote greater accountability, including the creation of a new Inspector General for the intelligence community.

Our bill will improve language capabilities in the intelligence community by adding funding for speakers of critical languages and requiring reports to

Congress to evaluate progress in this perennial problem area. The bill also mandates implementation of security clearance reform to make it easier for first and second generation Americans, many of whom have critical language skills, to serve in the intelligence community with proper clearances.

I mentioned earlier that one of the responsibilities of this committee is oversight. Yet this administration has repeatedly failed to comply with the National Security Act of 1947, which mandates that our committee be "fully and currently informed" of all the intelligence activities from the administration. This bill enhances congressional oversight by ensuring that the committee receives the information that it needs to perform its inherent oversight function.

Working on a bipartisan basis, our committee adopted two provisions to enhance reporting on intelligence activities to the full membership of the congressional intelligence committees. One provision would restrict 75 percent of all covert action funds until the full membership of the intelligence committees is briefed on all covert actions in effect as of April 24, 2008. A second provision would restrict the administration's attempts to brief only the chairman and ranking member and clarify which information must be reported to our full committee.

This legislation also authorizes much of the requests for the foundational activities of the cybersecurity initiative, but it also expresses the committee's serious concerns about potential policy, implementation and governance issues. Our committee is also concerned that Congress does not have a comprehensive understanding of the magnitude of human and fiscal intelligence resources that have been devoted to Iraq, possibly at the expense of fighting the war on terror. H.R. 5959 requires a detailed report to our committee on this very topic.

The bill also addresses a number of long-term technical challenges in the intelligence community. It does so by adding significant resources to modernize signals intelligence capabilities and integrate them into the global enterprise.

Finally, Mr. Chairman, despite the size of the budget request, the administration did not include funds adequate to keep the U.S. intelligence community competitive in advanced technologies. Research and development funding is our Nation's investment in maintaining our edge in state of the art technologies. Our bill adds funds to four agencies specifically for that purpose. And the committee urges the executive branch to sustain, if not increase, this level of funding in future budgets.

In our markup, Mr. Chairman, the committee adopted a number of amendments offered by both the majority and minority members. One of those important amendments, crafted with bipartisan cooperation, will pre-

vent CIA contractors from engaging in interrogations unless the Director of National Intelligence provides a waiver.

Our goal is to put this committee back in the authorization business by getting a bill to the President's desk that he can sign. To do that, we can't tackle every single important issue in this one bill. But if we fail to pass this bill, we risk eroding Congress' ability to strengthen and oversee intelligence operations that are vital to American national security.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I would like to yield myself as much time as I shall consume.

Mr. Chairman, the annual Intelligence Authorization Act is one of the most important bills that the House passes each year. It provides and allocates resources critical to national security programs that are the front lines of America's defense and foreign policies and, most critically, work to detect, prevent and disrupt potential terrorist attacks against the American people. The bill is also essential to ensure close and effective congressional oversight of the intelligence community.

There are issues that remain to be worked out as the legislative process continues. But I appreciate the work that Chairman REYES has done to avoid many of the contentious items that have recently prevented the enactment of an intelligence authorization bill. And I appreciate that the bill reflects areas of consensus on critical national security issues.

I believe that this bill is strong in two areas. First, it was significantly improved by seven Republican amendments that were adopted on a bipartisan basis to address what I believe are important issues in priorities facing the intelligence community. Among these, the committee adopted my amendment to remove all earmarks from the bill, a significant step forward. Our intelligence program should be based on only one primary consideration, what best ensures that the intelligence community is able to do its job in the interest of the national security of the United States.

The committee adopted an amendment offered by my colleague from Michigan (Mr. ROGERS) to limit the size and unintended bureaucratic growth of the Office of the DNI, the Director of National Intelligence. The bill also includes another amendment by Congressman ROGERS to require a high-level strategic evaluation of the FBI's progress in transforming its FBI's intelligence capabilities. This process may not be moving forward fast enough to accomplish the needed changes and needs close attention.

The bill is also strengthened by significant provisions to improve congressional oversight of the intelligence community and the executive branch which addressed issues I have repeat-

edly raised since serving as chairman of the committee. These include provisions to clarify that each member of the Intelligence Committee must be fully and currently briefed on current activities. Again, I'm pleased that we're able to take and improve this oversight on a bipartisan basis. Republicans and Democrats on the committee both believe that we need this information to be able to effectively do our job. Some work remains to be done to smooth this out. But we have taken the right steps to move this forward. I appreciate the chairman's work to develop this framework for this important reform.

I understand and he understands that the executive branch may not like enhanced oversight and that they have expressed their concern about the provisions of the bill that strengthen the oversight process, including congressional notification, increased reporting and auditing. But there is no single current issue on which there is stronger bipartisan consensus on the committee than our concern that the administration is not fulfilling its statutory duty to keep each member of the committee fully and currently informed with respect to certain intelligence matters.

In the past year alone, I joined with Chairman REYES to call on the President to brief the members of the committee with respect to intelligence regarding the al Kibar facility in Syria. The full committee was not briefed until the day the information was subsequently disclosed to the public. The committee was briefed months too late, and we received the information after the media did. On another matter, the administration has refused to brief all members of the committee even though it has briefed five members of the committee staff. It is clear that reforms are necessary.

In addition to these legislative provisions, I believe that the classified annex adequately supports our needs in important areas such as human intelligence collection and contains additional provisions to enhance oversight. While I may not agree with each of the specific authorizations, on balance the classified portion of the bill generally reflects consensus on the programmatic requirements needed to protect our national security.

Despite these areas of consensus, I must point out that I have concerns with parts of the bill and the action of the Rules Committee not to make certain important amendments in order. I'm disappointed with certain provisions relating to national intelligence space systems. Certain levels of funding fall short, and the bill fails to stimulate a sense of urgency in overhead architecture and shortfalls. In certain areas, it mandates technical solutions without a complete analysis.

I also have concern with what I believe is an unnecessarily complex and unwieldy provision to create a new Inspector General of the intelligence

community. While I support the enhancement of oversight for community-wide issues, this provision would significantly duplicate existing efforts and further grow the size of the DNI bureaucracy. I hope that we can continue to improve the bill as it moves through the process. I also hope that we can work to address concerns that have been raised by the intelligence community with respect to section 425 of the bill concerning the use of contractors.

Finally, I need to express my strong concern that the Rules Committee did not make in order an amendment I submitted that would prevent funds authorizing the bill from being used to transfer Guantanamo detainees to the United States. This provision should not be necessary. I believe that the public consensus that trained terrorists should not be brought into the American cities should be clear and overwhelming. However, there is a significant possibility that lawyers may try to argue that trained terrorist detainees should be released on American streets. This would be judicial activism at its worst, unsupported by either clear legal precedent or statutory authority. Congress must send a clear message immediately on this critical issue. We may have the opportunity to do that later today.

On balance, this bill is a workable bill. It needs to be improved. And I look forward to seeing exactly how the amendments process moves forward through the day.

I reserve the balance of my time.

Mr. REYES. Mr. Chairman, it is now my pleasure to yield 2 minutes to the gentleman from Alabama (Mr. CRAMER) who serves as chairman of our Subcommittee on Oversight and Investigations. May I add, Mr. Chairman, that on a personal note, I'm privileged and proud to have served with Mr. CRAMER on the Intelligence Committee for about 8 years. This is his last authorization bill. He will be retiring at the end of this Congress. So I just wanted to thank the gentleman for his service and for his work. He has never stopped working up to the very end here in his last term.

Thank you, Mr. CRAMER, for your great work.

Mr. CRAMER. Mr. Chairman, thank you for those kind words.

I, too, have enjoyed almost every minute of service on this Intelligence Committee. I say to Mr. HOEKSTRA, as well, the years that we put in together trying to steer through post 9/11, the struggles of holding the agencies' feet to the fire but at the same time forcing them to change, to do things differently to protect this country in a more unified way, it has been extremely rewarding to see both sides come together.

□ 1330

I wanted to use my time today to say that I stand in strong support of H.R. 5959 because I think this edition of the

intelligence authorization bill does the same thing, and that is it forces the agencies to be more efficient, it forces them to work together, and at the same time it is providing our men and women around this world the resources that they need to do an even better job of protecting us.

I am particularly concerned about our access to space. It is in the national interest of the United States to have domestic capability for assured access to space. So as this bill proceeds forward, I hope we will make sure that while we are performing oversight and we are forcing the agencies to become more efficient, to consolidate what they do, that we don't throw the baby out with the bath water.

I know my colleague from Alabama, TERRY EVERETT, who is going to speak in a few minutes as well, has been particularly concerned about the access to space issue. My colleague, the gentleman from Alabama (Mr. EVERETT) is leaving the committee as well, so Alabama loses one on each side after this Congress.

Mr. EVERETT, I want to say that the people of Alabama and the people of this country are proud of your career here in the United States Congress. We are proud in north Alabama of our partnership with you. And as I have watched you through the committee process bring the access to space issues to the forefront, this country is a better place because of your service here.

I also want to thank my colleagues. We work hard in cramped, windowless rooms to make sure that the agencies answer the questions that we want our constituents to have answered. They come sometimes to the committee kicking and screaming, but I am proud of the work you do.

Mr. HOEKSTRA. Mr. Chairman, I would like to extend my congratulations to Mr. CRAMER on his retirement. We are going to miss you in the committee, Mr. CRAMER. Alabama is going to lose two great Members of Congress, two members who have helped make the Intelligence Committee a better committee, who have studied the issues. We will miss you and wish you well, but I am sure we will see you again. Thank you for the work and effort you have put on the committee.

My colleague, the gentleman from Alabama (Mr. EVERETT) is also going to be leaving. I am not sure what the folks in Alabama have put in the water this year, but they are drinking the same thing and have decided to retire. Again, Mr. EVERETT has also contributed a tremendous amount of time, energy and effort in learning the issues of the Intelligence Committee and making sure that the work we do on the committee is a bipartisan effort, coordinated with the efforts in the Armed Services Committee to make sure that the Intelligence Committee and the Armed Services Committee are moving in the same direction and doing the things that are necessary to keep America safe.

At this time I would like to yield 2 minutes to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I thank Mr. HOEKSTRA and Mr. CRAMER. I can assure the American people that knowing the members on both sides of the aisle who serve on the Intelligence Committee and the staff who supports them, even though two Alabamians are leaving, the Nation will still be safe and in good hands.

I do rise in support of the Fiscal Year 2009 Intelligence Authorization Act. The process for this year's bill was much improved over last year; so for that, I thank my friend and chairman, SILVESTRE REYES, and our ranking member, Mr. HOEKSTRA. It has been 3 years since we have had an intelligence authorization bill, and that has created a void in many important policy areas and in programmatic guidance for the intelligence community.

It is critical that we get a bill passed through the House and Senate that can be signed by the President, and I hope that can be accomplished before we adjourn this year.

I have a number of concerns about the bill, some of which have been detailed in the minority views of the committee report, but I would like to focus on a few of the joint programs that have military application as well.

With regard to the national security space systems, the bill falls short of fully addressing problems in our overhead architecture. As the report notes, "National security space systems have been and will continue to be a cornerstone of the Nation's intelligence collection capability."

As Mr. HOEKSTRA pointed out, critical national security space systems are not properly funded in conjunction with a complete programmatic analysis that shows a way forward. This can be addressed and hopefully will be addressed in conference with the Senate.

As I wind down my career in Congress, this will be my last intelligence authorization work. The work we do here is fascinating and important to our national security, and I am pleased to have been a part of this for the past 6 years. As one of the crossover members from the House Armed Services Committee, I want to reiterate—

The CHAIRMAN. The gentleman's time has expired.

Mr. HOEKSTRA. I yield my colleague an additional minute.

Mr. EVERETT. I want to reiterate the importance of having members serve simultaneously on both committees. It is especially important to have a member of the Strategic Forces Subcommittee serve on HPSCI in order to maintain a clear understanding of how the shared military and intelligence overhead programs operate so that the right hand, Mr. Chairman, knows what the left hand is doing.

I say again I appreciate having served over the years with the members of the committee. I urge my colleagues to support this bill. It is not

perfect, but it is a very good bill and it needs passing.

Mr. REYES. Mr. Chairman, before recognizing a very senior and valued member of our committee, I wanted to wish my good friend and former chairman of the Strategic Forces Subcommittee on Armed Forces well on his retirement. I have had the privilege of working with Mr. EVERETT since I have been in Congress on Armed Services and also on Intelligence. I know how much he cares about the issues that affect our national security, and so I want to wish him well in his retirement as well.

Good luck, TERRY.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), a senior member of our committee, who serves as the chairwoman of our Subcommittee on Intelligence Community Management.

Ms. ESHOO. Mr. Chairman, I want to salute the chairman of our committee for his superb leadership and caring so much about not only the issues of intelligence but everyone that is a part of the intelligence community. I want to thank all of the marvelous staff on the majority and minority side, and I salute the ranking member of the committee as well.

This is a tough committee to serve on. People don't know what we are talking about. We do it in secret. We really can't talk to our colleagues very much about it. And yet we make some of the weightiest decisions that any Members of Congress would make because we deal with what is the most important issue, and that is our national security, the protection of the American people and giving the intelligence community, making the choices to give the intelligence community all the tools it needs in order to function and protect the American people and that we weigh and balance and always know that we are working under the Constitution of the United States of America. So this is really where the rubber meets the road.

I support the bill. Just like all of the other bills we deal with, there are pluses and minuses. I am very pleased that there are no earmarks in this bill. That is the first time since I came onto the committee that that is the case. I am very glad that 75 percent of the dollars for covert action have been fenced. In other words, no notification from the administration and from the intelligence community, no money. And that's the way it should be because the American people expect us to verify. They expect us to know and then we can take action. We have to do oversight.

For the first time in the history of our country, we have brought together a National Intelligence Assessment on global climate change and the effect it will have on national security. I am very proud of the work we have been able to do on that.

For the first time there will be an inspector general in the intelligence

community; and the administration, believe it or not, is still fighting that. Imagine having an inspector general, independent oversight of the intelligence community. I think that's a darn good idea and I hope it will prevail and that the President changes his mind on this.

We still have a lot of work to do to have more human intelligence in countries where we need them. We have a lot of work to do on black prison sites, the operation of them by the CIA and renditions. But with that, Mr. Chairman, I want to commend especially Congressman BUD CRAMER for the magnificent, honest work he has done on the Intelligence Committee and here in the Congress and wish him well, and Mr. EVERETT, too.

I ask my colleagues to support the bill. It has good things and it has some other things that are missing. But overall, I think it is a bill worth supporting.

Mr. HOEKSTRA. Mr. Chairman, at this time I would like to yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), a member of the committee.

Mr. THORNBERRY. Mr. Chairman, I want to thank the ranking member for yielding.

Mr. Chairman, this is not the intelligence authorization bill that I would have written exactly, but I think it is important to start out by thanking the chairman and the ranking member for taking some risk to have a bipartisan bill that can have support from both sides of the aisle. That is unfortunately fairly rare in this Chamber to be able to work together on something that is important, especially in national security, and yet that has happened here.

Intelligence is very important for our country's security. In many ways it is the first line of defense. Certainly all our other national security efforts depend upon intelligence. And so working together in a bipartisan way, even being willing to take some risks to have a bill with bipartisan support, means we can't have everything we want, but we will work together in order to move this bill forward.

Secondly, I think it is important to acknowledge the enormous influence of three retiring Members, three Members retiring from Congress after this Congress: the gentlewoman from New Mexico (Mrs. WILSON) whose personal military background, intelligence, and nature of her district has made her a leader on many issues, especially in the area of technical collection; the gentleman from Alabama (Mr. EVERETT) with whom I serve on the Armed Services Committee, and we have worked on many issues, but no one is as knowledgeable and passionate about the issue of space and space policy as the gentleman from Alabama; and then the other gentleman from Alabama (Mr. CRAMER), he and I were partners in the last Congress when for the first time this Congress stood up an oversight subcommittee just also as we were be-

ginning to implement the Intelligence Reform Act. The gentleman from Alabama (Mr. CRAMER) is one of those fairly rare Members who always asks what is in the best interest of the country first, and it will be a significant loss to this Congress and to the country upon his retirement.

Mr. Chairman, there are a number of commonsense reforms in this bill that may not make headlines. One of the issues Mr. CRAMER and I have worked on, for example, in the past is how can we measure improvement in intelligence, for example, in foreign language capability. There are some specific provisions in this bill which do help us have specific measurements so we can tell whether we are increasing our capability, not just as far as numbers of people but in their fluency in specific languages. That is absolutely critical for the purpose of intelligence. And yet even for something like that, it is hard for any of us to measure whether we are making the improvements that need to be made.

Making sure that any administration gives this committee the information we deserve to do our job is a challenge. This bill deserves support.

Mr. REYES. Mr. Chairman, it is now my privilege to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER) who serves as the chairman of our Subcommittee on Technical and Tactical Intelligence and who proudly represents NSA which is in his district.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today to support H.R. 5959. I would first like to thank Chairman REYES and Ranking Member HOEKSTRA for their leadership in helping us put together a good bipartisan bill. I also am going to miss BUD CRAMER, TERRY EVERETT, and HEATHER WILSON. We have all worked well together on this committee. You will be missed.

I ask my colleagues to vote for this bill because it supports the men and women who work within the intelligence community. The National Security Agency, the NSA, is headquartered in my district. I personally know that NSA's employees work very hard to ensure our Nation's security.

□ 1345

We must continue to invest in the people and resources necessary to make our intelligence community effective. Intelligence is the best defense against terrorism.

This bill advances the Cybersecurity Initiative to protect our computer networks, a very important issue that we will be dealing with in the future, cybersecurity attacks. We know now that certain countries are attacking the United States of America through the Internet.

Two, it increases research and development so that we can maintain our technical advantage; and, three, invests in both satellite and airborne collection and in the systems needed to

process, exploit and distribute this data.

The intelligence community faces enduring technical challenges, but this bill provides our people, who are our most important asset, with the tools they need to do their jobs well. In order to protect our country from threats from countries such as China and Russia, we must continue to invest heavily in science and technology.

This bill lays the foundation for the future and communicates areas of concern to current intelligence leaders and the next Presidential administration.

I urge my colleagues to support this bill and the important work of the intelligence community.

Mr. HOEKSTRA. Mr. Chairman, at this time I would like to yield 3 minutes to my colleague from the State of Michigan (Mr. ROGERS) who was successful in the committee in passing two important amendments to improve this bill.

Mr. ROGERS of Michigan. I thank the gentleman from Michigan.

Mr. Chairman, thank you very, very much for working in such a bipartisan way. I often think after some of our most spirited meetings in the Intelligence Committee, where we have passionate, civil debates, how proud, really, America would be that all of us on both sides of the aisle give all of ourselves to the right outcome on these bills. I want to thank you for allowing that debate to happen in committee.

To Mr. THOMPSON, I have enjoyed working with you on the committee, and I think we have done some great things in a bipartisan way.

Mr. Chairman, this is one of those bills that while I think both sides probably would have had a few things different, but because we committed ourselves to put the country first and bipartisanship as our final goal and what works for America, you have a package here that I think sends a great message to the most important group that this bill will impact, and that's the men and women who risk their lives every single day trying to make sure we have the best intelligence to our war fighters, to our police officers, and to keep this country safe. For all of that, to the staffs on both sides, thank you very much.

I want to bring your attention to two particular issues. There are a lot of great things in here to think about.

One is the FBI policy. Thank you again for working with us on what I think is a growing problem with the Federal Bureau of Investigation, and this, I think, was the first signal we need to get a handle on it. The FBI implemented an "up or out" policy for its supervisors that was supposed to allow new people in and promote the supervisory special agents, people who had over years developed a Rolodex where they could call the local police chiefs, work with the local community, get to know and understand and gain the trust of these local communities.

We have hustled them out after 5 years. They may be the best per-

forming supervisory agents the Bureau has ever had, but when the clock runs out, you're done.

In that policy, we have lost half. Almost 290 supervisory special agents have left management in the FBI, retired, stepped down, quit, whatever they have decided to do that wasn't in their interest or their family's interest, because of this policy.

I can think of no policy that discriminates against half of your management that we would call successful at a time where we need experience to guide these new agents, which are about half of them, by the way, are fairly new, I think under 5 years or 7 years, something like that. We have tried to work with the Director and say this is the wrong approach, this is a punishment approach. You have great men and women committing themselves to these careers, dedicating themselves to these supervisory positions. We need to reward them, not punish them.

We have tried to set up a housing policy to entice them. Three years, longer than 3 years, even after the agreement from the Director, we have been working on this to no avail. It has gone nowhere. Instead, they continue to say this is a policy that works.

They are separating themselves from the field, and it's dangerous. Over the last 2 weeks I bet I have talked to a dozen agents, some in supervisory roles, others who are not, who are impacted by their supervisors either leaving or new ones being hired, 12 agents, 100 percent unanimity. This is a bad and dangerous plan for the future of the FBI.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield an additional minute to my colleague.

Mr. ROGERS of Michigan. I think that this is an issue that we have to even pay more attention to. This is an important step to regain the confidence of the FBI and its leadership. It has to happen. Thanks for your leadership on it.

Lastly, I just want to talk about the DNI, the Director of National Intelligence. I have worked with Mr. THOMPSON on this. We have spent a lot of time understanding this. Our concerns are real, and the intelligence community concerns are real.

We created this new organization. Its job was to coordinate, not be operational. We have found that it goes well beyond mission creep, and it is in mission grasp. It is bloated, it's too big, and it became an agency not that supported the decision and calculations of the field, but became supported by the field.

It's a dangerous development in intelligence. I appreciate working with you. I know we have a lot more work to do. Congratulations to all on a bill that will, I think and believe, keep America safer.

Mr. REYES. Mr. Chairman, I now yield 3 minutes to the chairman of the

Terrorism, Human Intelligence Analysis and Counterintelligence Subcommittee, the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I want to thank both Chairman REYES and Ranking Member HOEKSTRA for their leadership and making sure we had a good bipartisan bill that benefits the people of this great country, the staff that worked so hard to make this happen on both sides of the aisle, and, in particular, the ranking member of my subcommittee, Mr. ROGERS, for working together to make this a good bill.

Human intelligence, or HUMINT, is one of the most difficult but effective means of understanding our adversaries' plans and intentions. This bill adds funds to improve HUMINT collection on counterterrorism and other critical national security challenges. It also adds HUMINT resources for global challenges, such as the political and humanitarian crisis in Asia, Africa and Latin America. The events unfolding in those regions demonstrate that we must always have the resources to understand these threats.

The information we collect, however, is only useful if analysts translate it into actionable intelligence for policymakers and law enforcement. For that reason, this bill provides resources to improve intelligence analysis across the entire intelligence community. It also authorizes additional personnel to support State and local law enforcement so they can better address the challenges of border security, counterterrorism and infrastructure protection.

And the bill also calls for fiscal restraint. As Mr. ROGERS mentioned, since its creation in 2004, the Office of the Director of National Intelligence has grown into a bloated bureaucracy that hinders, rather than facilitates, intelligence complexes and analysis. This bill adds an amendment that Mr. ROGERS and I introduced in committee that prevents further growth in the Office of the Director of National Intelligence.

Finally, Mr. Chairman, this legislation provides critical intelligence resources for our troops and strengthens oversight of intelligence support to the military. Many of us have visited our troops in Iraq, and we have seen firsthand that good intelligence saves American lives on the battlefield.

This bill will greatly improve our intelligence capabilities and enhance our national security. I urge all my colleagues to support it.

In closing, I too want to add my name to those who are very appreciative and thankful for our friends, Mr. EVERETT and Mr. CRAMER, who did a great job on the committee. They were a pleasure to work for, they are fine Americans, and we are going to miss them.

Mr. HOEKSTRA. Mr. Chairman, at this time I would like to yield 3 minutes to another member of the committee, Mr. MCHUGH from New York.

Mr. MCHUGH. I thank the gentleman for yielding.

We have heard, I would say to my colleagues repeatedly today, this is not a perfect bill. We also should hear that shouldn't be a surprise. Rarely on the House floor here have perfect bills been delivered. Rather, as I think the Founding Fathers would have intended, we see a work in progress.

This is a bill that started off at a certain place, that came through the committee process, and although I may be somewhat prejudiced, I firmly believe has been far improved from that starting point through that committee process. There have been some seven amendments that I think have upgraded it and have put us on the right path.

I want to say Mr. Chairman, I have enormous respect, enormous affection for both the distinguished chairman from the great State of Texas, my good friend, SILVESTRE REYES, as well as the gentleman from Michigan, the distinguished ranking member, who have gone so far in working together to make such a difference. There are far, far fewer bills that reach this House floor that are more important in this day and age for the safety and for the security of the American people.

I have to tell you I share the distinguished ranking member's concerns about the failures of this administration to adequately inform, to adequately brief all the Members on both sides of the aisle, not just so-called leadership, but all the Members, as to the ongoing activities with respect to our intelligence systems throughout this world.

I think that the American people need to be assured that as we go forward in these very dangerous and uncertain times that there are certain individuals in this House that have, as the law intends, the opportunity to be fully informed and make sound judgments about what is appropriate and what is not.

Frankly, as a member of this committee, I am somewhat frustrated by the lack of total input, the lack of total briefing that has occurred from the administration side, and I look forward to a better day.

I think tomorrow can help us to further improve this bill. We have the opportunity now, through the conference process, to continue to improve upon it, to continue to make sure that the end product that we send to the other end of Pennsylvania Avenue, to the President, is a good bill, a bill that in these very challenging moments of our lives ensures the American people have the best possible, the most well-resourced, and the most responsible intelligence activities we can possibly have.

This is a very appropriate start. It deserves our support, and I urge all my colleagues to support this bill.

Mr. REYES. Mr. Chairman, I now yield 2 minutes to the gentleman from New Jersey, my colleague, Mr. RUSH

HOLT, who also serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. I thank the Chair, and I rise in support of the bill.

The work in the Intelligence Committee is some of the most difficult work that goes on here in the House, behind closed doors, necessarily with little public input, but we are blessed with a good staff and a good chairman. We never forget that our work is about people, about the safety of the American people and about the hardworking, brave people of the intelligence community.

H.R. 5959 contains some useful provisions that are designed to strengthen congressional oversight. Among these is a fence of 75 percent of covert action funds, fenced until each member of the House and Senate intelligence committees has been fully briefed.

I think it would be sufficient to say that this administration has taken a cavalier attitude toward its legal obligations to keep the committees fully and currently informed.

This bill would require the CIA Inspector General to conduct audits of all covert action programs regularly. It would increase critical research and development activities and improve foreign language capabilities. It would prohibit the use of contractors for CIA detainee interrogations.

It would clarify what "fully and currently informed" in the law means for briefing Congress so that all information necessary for Congress would be provided, and it explicitly requires that all committee members be notified in general, not just selected members.

It requires guidelines for the implementation of a multilevel security clearance to increase linguistic and cultural expertise. It would require reports on the use of contractors, on workforce diversity, on foreign language proficiency, on the protection of intelligence officers' identities.

There are a number of good features. This is a good bill that strengthens our oversight of the intelligence community. We do have a long way to go to provide the kind of oversight needed after many years when the intelligence community got almost every wish, billions of dollars with insufficient justification.

I do support the bill and urge that my colleagues do as well.

□ 1400

Mr. HOEKSTRA. Mr. Chairman, at this point in time, I have no other speakers so I shall reserve the balance of my time.

Mr. REYES. Mr. Chairman, I now yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, as you know, bringing accountability and transparency to contracting has been a priority of mine, and I have worked to ensure that companies that we award contracts to are held respon-

sible for any abuses. I believe we must make certain that the intelligence community is not using U.S. taxpayer dollars to enter into or renew contracts with companies that may be engaging in serious abuses of law and violence toward civilians and whose actions go unpunished.

Around the world our country is contracting with private companies that employ individuals who do not wear the badge of the United States but whose behavior has, on numerous occasions, severely damaged the credibility and security of our military and harmed our relationship with other governments. Perhaps the most egregious example came on September 16, 2007, when private security contractors employed by Blackwater Worldwide killed 17 civilians and wounded many more in downtown Baghdad. No one has been held accountable for this.

At a minimum, we need a more transparent process to hold private contractors accountable and more information in order to understand their impact on our Intelligence Community, our armed forces and our larger objectives.

I thank the chairman for including language prohibiting the use of contractors for interrogation, as well as a provision requiring a comprehensive report on the use of contractors in the intelligence community.

If I may ask the chairman in a brief colloquy if the chairman will work with me to include additional language in the conference report calling for a report that examines the extent of criminal activity among intelligence community contractors and assesses the effects of hiring contracting companies that are responsible for serious legal violations.

Mr. REYES. Will the gentlewoman yield?

Ms. SCHAKOWSKY. Yes.

Mr. REYES. The answer is yes. I will be happy to work with you in conference.

Ms. SCHAKOWSKY. Well, thank you, Mr. Chairman. And I am happy to support this legislation.

Mr. HOEKSTRA. At this time I would like to continue to reserve the balance of my time.

Mr. REYES. Mr. Chairman, can I inquire as to the time on both sides.

The CHAIRMAN. The gentleman from Texas has 7½ minutes, and the gentleman from Michigan has 10 minutes.

Mr. REYES. And can I inquire of my colleague if he has any additional speakers.

Mr. HOEKSTRA. I am probably the only speaker left. I will close at the appropriate time.

Mr. REYES. Then I will be pleased to recognize a hardworking member of our committee, the gentleman from Rhode Island (Mr. LANGEVIN), for 2 minutes.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)



Mr. LANGEVIN. I thank the chairman for yielding, and I want to commend the chairman and the ranking member on their hard work on this bill, particularly staff, who also has worked hard on this legislation.

I rise today in strong support of H.R. 5959, the Intelligence Authorization Act for Fiscal Year 2009.

While the bill contains a number of important provisions to strengthen our intelligence community and enhance national security that many of my colleagues have already been speaking about, I am particularly pleased that it represents a reasonable and measured response to the administration's cybersecurity initiative.

Now, this bill, the cybersecurity initiative, is the administration's response to the cybersecurity threats facing the Nation. And although the administration has been slow in recognizing this threat, I believe the cyber initiative is a move in the right direction, but requires careful scrutiny.

Now, this bill reduces funding in selected areas where it is not adequately justified. However, recognizing that cybersecurity is a real and growing threat that the Federal Government has been slow in addressing, the Intelligence Committee has authorized more than 90 percent of the administration's requests.

At the same time, the bill clearly demonstrates that the committee does not intend to write the administration a blank check for the cybersecurity initiative, which is a multi-year, multi-billion dollar project.

Now, we need a thorough assessment of the technical feasibility and scalability of the initiative and a careful balance between cybersecurity and privacy protections. Thus, the bill envisions an advisory panel of senior representatives of Congress, the Executive Branch and industry who can tackle these issues.

I was co-chair of the CSIS Commission on Cybersecurity for the 44th Presidency, basically a commission that will present a blueprint on cybersecurity for the next President. I have been deeply involved in developing recommendations for a national cybersecurity plan that protects, among other things, our critical infrastructure assets and infrastructure itself, as well as Federal networks and also the private sector.

Furthermore, as a member of the House Intelligence Committee, and as chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science Technology, I will continue to ensure and exercise rigorous congressional oversight over this issue as it evolves.

The measure before us is an important first step in addressing our cybersecurity threats and closing that vulnerability and it is, obviously, a critical national security issue. And I urge my colleagues to support passage of this bill.

Again, I commend Chairman REYES for his leadership, and also thank staff

for the great work they have done on this bill today.

Mr. HOEKSTRA. I continue to reserve.

Mr. REYES. Mr. Chairman, it is now my privilege to yield 3 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the chairman for yielding, and rise in support of H.R. 5959.

I want to congratulate our chairman, Mr. REYES and his staff for putting the bill together. In particular, I am proud that this bill authorizes the funding that our intelligence community needs to help prevent terrorists from attacking the United States with a nuclear device.

A nuclear terrorist attack on the United States or on our troops in the field is the greatest national security threat facing our country. While part of this fight occurs at our borders, the intelligence community is the tip of the spear, at the forefront of our efforts to prevent a nuclear terror attack. The many analysts and officers of the intelligence community ensure that we know as much as possible, not only about the terrorists who would attack us with a nuclear device or a radiological disease, but also about those who may sell fissile material that they seek. This bill supports our men and women in the intelligence community as they attempt to ensure that nuclear material stays out of the wrong hands.

It is much easier to prevent terrorists from getting a hold of nuclear material than prevent them from getting nuclear material or a nuclear device into the country. Our country is large, our borders are porous, and we have to stop the access of people who mean us ill from gaining nuclear material.

The bill protects Americans against nuclear terrorism by funding the Nuclear Materials Information Program as well, a Department of Energy-led effort to understand how much nuclear material is stored worldwide, what the security is at these sites, the signatures of this material, also a key ingredient of our nuclear forensics efforts.

But there is more that we still must do. H.R. 1, signed into law by the President almost a year ago created the position of the United States Coordinator for the Prevention of Weapons of Mass Destruction, Proliferation and Terrorism. We must have an individual, a single person who can marshal all the resources and expertise to prevent the most horrific attack imaginable. However, no one has been appointed to this post. It remains vacant. I urge the President to fill this position as soon as possible.

Nuclear terrorism is the preeminent threat of our time, and all efforts have to be made to mitigate that threat. What we need to do is imagine what a post-nuclear 9/11 Commission report would look like, what would its recommendations be? And we have to implement those recommendations now; not wait until there is a calamity.

I am proud that this legislation addresses the threat by authorizing the resources our intelligence community needs to meet that threat.

And again, I want to thank you, Chairman REYES, for your leadership, and urge all of the Members to support the bill.

Mr. HOEKSTRA. Mr. Chairman, I would like to just inquire of the chairman of the committee, you are prepared to close as well?

Mr. REYES. That was our last speaker. I am prepared to close.

Mr. HOEKSTRA. Thank you. I will yield myself the balance of our time.

I am looking forward to, and I am glad that we have had such a collegial discussion about the bill, the process that we have gone through in the committee, to get to the point that we are.

Obviously, we are going to go through a process of trying to improve this bill while we are here on the floor today. I can look forward to going through that process. I look forward to hopefully passing an improved bill out of the floor, and then look forward to going to conference and hope that we can continue this same kind of partnership in trying to get, not only a bill through the House, but getting it through a conference process and getting a bill to the President that the President will sign.

It is important that the Intelligence Committees, that the House and the Senate, put their imprint on the intelligence community. We haven't been able to do that for 3 years. It is important that we do it and that we do it at this time. The intelligence community needs the kind of direction and the parameters that we have established in this bill, to ensure that Congress can do its work, but also that the intelligence community can do its work within a framework that has been established by the Congress.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. REYES. Mr. Chairman, I now yield myself the remainder of our time.

Mr. Chairman, again, I want to say how much I appreciate the cooperation and the work that the ranking member has done to bring this bill to the floor. I want to thank staffs on both sides in particular. I want to thank my Staff Director, Mike Delaney, my Deputy Staff Director and General Counsel, Wyndee Parker, and Chief Counsel, Jeremy Bash, for the great work that they have done.

And I also want to thank our Vice Chair of the committee, CONGRESSMAN LEONARD BOSWELL, who, unfortunately, was unable to accompany us here today because he is recuperating in the hospital. All of us wish him well and we want to see him back as soon as possible. He is a hard worker and contributes a lot to our committee.

And I also want to say that this is a good, solid bill. This is the kind of effort that our men and women in the intelligence community serving us proudly throughout the world deserve.

Each and every one of them gives their best effort, and they deserve the respect and the support of every Member of this body and everyone in this country. We thank them for the effort that they put forward, and we appreciate the commitment, the dedication and their professionalism, as well as the sacrifices that their families provide for our great country.

With that, Mr. Chairman, I want to say that it has been a privilege to lead this committee. We have great Members on both sides that care very much about our national security and work very hard on all the issues that are important to our country and our national security.

Mr. KUCINICH. Mr. Chairman, I want to thank all of those who serve our country through the gathering of intelligence for the protection of the American people. I appreciate their dedication and their attention to the gathering facts for deliberations related to our national security.

Regrettably, the current administration has destroyed the credibility of the Intelligence Community through the fabrication of intelligence. The Bush administration continues a relentless pursuit of a self-serving agenda rather than an agenda that serves the best interests of the American people.

No single example can more clearly illustrate this point than the administration's falsification and cherry-picking of intelligence to build a phony case for the war in Iraq. Through the manipulation of intelligence, the administration sold a war to the American public based on false statements that included a connection between Iraq and al Qaeda, Iraq and 9/11, as well as false claims that Iraq had weapons of mass destruction and intentions to attack the U.S.

As long as President Bush remains in office the intelligence budget will continue to be at risk for being used to support subversive intelligence and provide license to the administration to engage in criminal activity by shaping intelligence to fit corrupt policies.

Under the Bush administration there have emerged several high-profile classified leaks to the media that have reemphasized the need for reform within our intelligence agencies. From these media leaks, we not only became aware of the efforts to manipulate intelligence and to falsify a cause for war against Iraq but we also became aware of the illegal NSA domestic wiretapping program without a court order. We became aware of the rumored CIA detention centers in Eastern Europe, and the CIA's extraordinary rendition program, used to transport suspects to other nations with less restrictive torture policies. It is regrettable that intelligence is often reshaped to fit doctrine instead of doctrine being reshaped in the face of the facts of intelligence.

Furthermore, this bill will not stop unilateral covert U.S. intelligence operations aimed at bringing about regime change in Iran. As reported in a recent article in *The New Yorker*, the Bush administration is already engaged in collecting covert intelligence on Iran's alleged nuclear weapons program instead of engaging Iran in high-level diplomatic negotiations without preconditions. The administration has made clear their thirst for a war with Iran. The opportunity for unscrupulous tactics by this administration with respect to Iran clearly exists as long as this body stands idly by.

I strongly oppose this bill.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of H.R. 5959, the Fiscal Year 2009 Intelligence Authorization Act, and the important measures to strengthen oversight and accountability of contractors that the bill includes.

I want to first thank Intelligence Committee Chairman SILVESTRE REYES for his leadership in crafting this bill. Chairman REYES very graciously worked with me to include in this bill major portions of legislation I recently introduced along with Representative JAN SCHAKOWSKY, H.R. 5973, the Transparency and Accountability in Intelligence Contracting Act.

For the last several years, I have been working to correct a serious lack of attention to the management and oversight of contractors in the Intelligence Community. Press reports indicate that roughly half of the Intelligence Community's budget is now contracted out, yet there is little understanding of where the money goes, what kinds of activities contractors are performing, whether this contracting saves taxpayer money, and whether the contracted activities are appropriate for private corporations to perform. Additionally, accountability for misconduct by contractors has been seriously deficient.

This rush to outsource sensitive government functions has placed private contractors at the center of some of the most significant national controversies in recent years. Contractors have been accused of torturing or abusing foreign detainees, including the practice of waterboarding high-level suspects. Contractors have participated in warrantless electronic surveillance and data-mining programs targeting U.S. citizens. Contractors have been deeply involved in the analysis of critical intelligence on Iraq and al Qaeda, including, reportedly, the preparation of the President's Daily Brief on intelligence matters.

Contractors may very well have a place in the Intelligence Community, but their role must be carefully considered, thoroughly managed, and strenuously overseen. A national conversation about the appropriate use of contractors in our national security apparatus is long overdue. This is a conversation the Administration skipped over as it was implementing this major shift in the way we conduct intelligence operations, but for the sake of the integrity of our national defense, we must collectively scrutinize this practice and set clear boundaries.

H.R. 5959 begins to put Intelligence Community contracting back on a rational and stable footing. It incorporates a number of provisions for which I have advocated. Let me highlight just a few examples.

First, the legislation would explicitly prohibit the use of contractors for the performance of interrogations. Interrogations should be carried out by individuals who are well-trained, fall within a clear chain of command, and have a sworn loyalty to the United States—not by corporate, for-profit contractors. Given how delicate such interrogations are, and how critical the intelligence they obtain might be, I believe that drawing this red line is a commonsense step with which all members should agree.

The House passed a similar restriction on Defense Department contractors as part of the Defense Authorization bill in May. This bill would appropriately extend that limit to intelligence contractors outside the DoD.

Second, the bill would require an assessment of the number and cost of contractors employed by the intelligence community, the types of activities being performed by contractors, an analysis of cost savings, and a description of mechanisms available for ensuring oversight and accountability. This assessment will give Congress the data we need to ascertain whether the use of contractors for certain activities is beneficial and what reforms may be needed.

Third, the bill would require the Director of National Intelligence to assess the appropriateness of using contractors for especially sensitive activities, including intelligence collection, intelligence analysis, interrogation, detention, and rendition. It will also require information on how many contractors are currently employed in the performance of these activities. Giving the head of the intelligence community the chance to explain the reasoning behind this widespread contracting will allow the Congress to carefully weigh the appropriate limits for intelligence outsourcing.

These provisions are not overly prescriptive or restrictive. We fully recognize that the Intelligence Community needs flexibility and agility to be able to obtain and deliver to decision-makers accurate and timely intelligence about matters involving extremely high stakes. Rather, this bill gives us the tools we need to initiate a conversation about how we can better organize, manage, and oversee contractors. It is a first step toward ending the abuses of the past.

Again, I thank Chairman REYES and his colleagues on the Intelligence Committee for recognizing the importance of addressing contractor issues in the intelligence community. I look forward to continuing to work with him on this issue.

I urge my colleagues to support this legislation.

Mr. BLUMENAUER. Mr. Chairman, I am pleased that the Democratic majority has taken a thoughtful and bipartisan approach to this year's Intelligence Authorization bill. I have expressed my concerns about the health of our intelligence community and appreciate the work that has been done to strengthen the Inspector General, increase contractor oversight, and invest in the training of our operatives.

However, I am deeply troubled that this bill does not contain a prohibition on torture, which I believe is absolutely critical. Torture violates not only the laws and values of our country, but all standards of decent human conduct. I have consistently spoken out against the stonewalling and equivocation surrounding this administration's "interrogation" of detainees. I find it appalling that it has fallen solely to the legislative and judicial branches to set interrogation and detention standards worthy of our Nation.

Yet I remain hopeful that the abuses of this administration will be checked by wise and thoughtful policy. I applauded the recent "*Boumediene v. Bush*" Supreme Court ruling that guarantees Guantanamo Bay detainees the right of habeas corpus. Further, I believe that extending the rules of the Army Field Manual to U.S. intelligence personnel sends a clear signal that we have broken with and are rolling back the abuses of this administration.

I support a great deal of what this bill includes, yet my greatest concern is with what this bill omits. It is my hope that Congress will



come together in conference to send a message to this administration and the world at large that Americans do not approve of, and will not stand for, torture.

Mr. REYES. I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 5959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### **TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS**

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Limitation on the use of covert action funds.

Sec. 106. Prohibition on use of funds to implement “5 and out” program of the Federal Bureau of Investigation.

#### **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

#### **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

##### **Subtitle A—Personnel Matters**

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.

Sec. 303. Multi-level security clearances.

Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.

Sec. 305. Annual personnel level assessments for the intelligence community.

Sec. 306. Comprehensive report on intelligence community contractors.

Sec. 307. Report on proposed pay for performance intelligence community personnel management system.

Sec. 308. Report on plans to increase diversity within the intelligence community.

Sec. 309. Report on security clearance determinations.

##### **Subtitle B—Other Matters**

Sec. 311. Restriction on conduct of intelligence activities.

Sec. 312. Clarification of definition of intelligence community under the National Security Act of 1947.

Sec. 313. Modification of availability of funds for different intelligence activities.

Sec. 314. Protection of certain national security information.

Sec. 315. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.

Sec. 316. Report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

Sec. 317. Incorporation of reporting requirements.

Sec. 318. Repeal of certain reporting requirements.

Sec. 319. Enhancement of critical skills training program.

Sec. 320. Comprehensive national cybersecurity initiative advisory panel.

#### **TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**

##### **Subtitle A—Office of the Director of National Intelligence**

Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.

Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.

Sec. 403. Additional duties of the Director of Science and Technology.

Sec. 404. Leadership and location of certain offices and officials.

Sec. 405. Plan to implement recommendations of the data center energy efficiency reports.

Sec. 406. Semiannual reports on nuclear programs of Iran, Syria, and North Korea.

Sec. 407. Title of Chief Information Officer of the Intelligence Community.

Sec. 408. Inspector General of the Intelligence Community.

Sec. 409. Annual report on foreign language proficiency in the intelligence community.

Sec. 410. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.

Sec. 411. National intelligence estimate on weapons of mass destruction in Syria.

Sec. 412. Report on intelligence resources dedicated to Iraq and Afghanistan.

Sec. 413. Ombudsman for intelligence community security clearances.

Sec. 414. Security clearance reciprocity.

Sec. 415. Report on international traffic in arms regulations.

Sec. 416. Report on nuclear trafficking.

Sec. 417. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.

##### **Subtitle B—Central Intelligence Agency**

Sec. 421. Review of covert action programs by Inspector General of the Central Intelligence Agency.

Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.

Sec. 423. Technical amendments relating to titles of certain Central Intelligence Agency positions.

Sec. 424. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

Sec. 425. Prohibition on the use of private contractors for interrogations involving persons in the custody or control of the Central Intelligence Agency.

##### **Subtitle C—Defense Intelligence Components**

Sec. 431. Integration of the Counterintelligence Field Activity into the Defense Intelligence Agency.

##### **Subtitle D—Other Elements**

Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.

Sec. 442. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

#### **TITLE V—OTHER MATTERS**

##### **Subtitle A—General Intelligence Matters**

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 502. Amendments to the National Security Act of 1947.

Sec. 503. Report on financial intelligence on terrorist assets.

Sec. 504. Notice of intelligence regarding North Korea and China.

Sec. 505. Sense of Congress regarding use of intelligence resources.

##### **Subtitle B—Technical Amendments**

Sec. 511. Technical amendment to the Central Intelligence Agency Act of 1949.

Sec. 512. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 513. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.

Sec. 514. Technical amendments to the National Security Act of 1947.

Sec. 515. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 516. Technical amendments to the Executive Schedule.

Sec. 517. Technical amendments relating to the National Geospatial-Intelligence Agency.

#### **SEC. 2. DEFINITIONS.**

In this Act:

(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

#### **TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS**

##### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2009 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

##### **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.**—The amounts authorized to be

appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2009, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 5959 of the One Hundred Tenth Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(c) **EARMARKS.**—

(1) **IN GENERAL.**—Nothing in the classified Schedule of Authorizations, the joint explanatory statement to accompany the conference report on the bill H.R. 5959 of the One Hundred Tenth Congress, or the classified annex to this Act, shall be construed to authorize or require the expenditure of funds for an earmarked purpose.

(2) **EARMARKED PURPOSE DEFINED.**—In this subsection, the term “earmarked purpose” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner of the House of Representatives or a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

#### **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

(a) **AUTHORITY FOR INCREASES.**—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2009 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

#### **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2009 the sum of \$648,842,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2010.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 772 full-time or full-time equivalent personnel as of September 30, 2009. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CONSTRUCTION OF AUTHORITIES.**—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2009 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2010.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2009, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

#### **SEC. 105. LIMITATION ON THE USE OF COVERT ACTION FUNDS.**

(a) **IN GENERAL.**—Not more than 25 percent of the funds authorized to be appropriated by this Act for the National Intelligence Program for covert actions may be obligated or expended until the date on which each member of the congressional intelligence committees has been fully and currently briefed on all authorizations for covert actions in effect on April 24, 2008.

(b) **COVERT ACTION DEFINED.**—In this section, the term “covert action” has the meaning given the term in section 503(g) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

#### **SEC. 106. PROHIBITION ON USE OF FUNDS TO IMPLEMENT “5 AND OUT” PROGRAM OF THE FEDERAL BUREAU OF INVESTIGATION.**

None of the funds authorized to be appropriated in this Act may be used to implement the program of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after such supervisor serves in a management position for 5 years (commonly known as the “5 and out” program).

#### **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

##### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2009 the sum of \$279,200,000.

##### **SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.**

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking “receiving compensation under the Senior Intelligence Service pay schedule at the rate” and inserting “who is at the Senior Intelligence Service rank”.

#### **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

##### **Subtitle A—Personnel Matters**

##### **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

##### **SEC. 302. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and

section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2008 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed 2 years.

##### **SEC. 303. MULTI-LEVEL SECURITY CLEARANCES.**

(a) **IN GENERAL.**—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

“(s) **MULTI-LEVEL SECURITY CLEARANCES.**—The Director of National Intelligence shall be responsible for ensuring that the elements of the intelligence community adopt a multi-level security clearance approach in order to enable the intelligence community to make more effective and efficient use of persons proficient in foreign languages or with cultural, linguistic, or other subject matter expertise that is critical to national security.”.

(b) **IMPLEMENTATION.**—The Director of National Intelligence shall issue guidelines to the intelligence community on the implementation of subsection (s) of section 102A of the National Security Act of 1947, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

##### **SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.**

(a) **DELEGATION OF AUTHORITY.**—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting “(1)” before “The Director”;

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “may only delegate” and all that follows and inserting “may delegate the authority in subsection (a) to the head of any other element of the intelligence community.”; and

(3) by adding at the end the following new paragraph:

“(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.”.

(b) **SUBMISSION OF GUIDELINES TO CONGRESS.**—Not later than 6 months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

##### **SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.**

(a) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE INTELLIGENCE COMMUNITY

“SEC. 506B. (a) **REQUIREMENT TO PROVIDE.**—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) **SCHEDULE.**—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along

with the budget submitted by the President under section 1105 of title 31, United States Code.

“(c) **CONTENTS.**—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

“(1) The budget submission for personnel costs for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

“(4) The number of personnel positions requested for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

“(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

“(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

“(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

“(10) A written justification for the requested personnel and contractor levels.

“(11) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

“(12) A list of all contractors that have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation by such an Inspector General during the current fiscal year.

“(13) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

“(A) internal infrastructure to support the requested personnel and contractor levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in the first section of that Act is amended by inserting after the item relating to section 506A the following new item:

“Sec. 506B. Annual personnel level assessment for the intelligence community.”.

#### **SEC. 306. COMPREHENSIVE REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.**

(a) **REQUIREMENT FOR REPORT.**—Not later than November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report describing the use of personal services contracts across the intelligence community, the impact of such contractors on the intelligence community workforce, plans for conversion of contractor employment into government employment, and the accountability mechanisms that govern the performance of such contractors.

(b) **CONTENT.**—

(1) **IN GENERAL.**—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum

standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is performing a substantially similar functions to a government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and government employees performing substantially similar functions;

(G) an analysis of the attrition of government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to government employment;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2006 and 2007;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) **ACTIVITIES.**—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

#### **SEC. 307. REPORT ON PROPOSED PAY FOR PERFORMANCE INTELLIGENCE COMMUNITY PERSONNEL MANAGEMENT SYSTEM.**

(a) **PROHIBITION ON PAY FOR PERFORMANCE UNTIL REPORT.**—The Director of National Intelligence and the head of an element of the intelligence community may not implement a plan that provides compensation to personnel of that element of the intelligence community based on performance until the date that is 45 days after the date on which the Director of National Intelligence submits a report for that element under subsection (b).

(b) **REPORT.**—The Director of National Intelligence shall submit to Congress a report on performance-based compensation for each element of the intelligence community, including, with respect to each such element—

(1) a description of a proposed employee advisory group to advise management on the implementation and management of a pay for performance system in that element, including the scope of responsibility of the group and the plan for the element for ensuring diversity in the selection of members of the advisory group;

(2) a certification that all managers who will participate in setting performance standards and pay pool administration have been trained on the implementing guidance of the system and the criteria upon which the certification is granted; and

(3) a description of an external appeals mechanism for employees who wish to appeal pay decisions to someone outside the management chain of the element employing such employee.

#### **SEC. 308. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.**

(a) **REQUIREMENT FOR REPORT.**—Not later than November 1, 2008, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(b) **CONTENT.**—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

#### **SEC. 309. REPORT ON SECURITY CLEARANCE DETERMINATIONS.**

(a) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

##### **“REPORT ON SECURITY CLEARANCE DETERMINATIONS**

“SEC. 508. Not later than February 1 of each year, the Director of the Office of Management and Budget shall submit to Congress a report on security clearance determinations completed or ongoing during the preceding fiscal year that have taken longer than one year to complete. Such report shall include—

“(1) the number of security clearance determinations for positions as employees of the Federal Government that required more than one year to complete;

“(2) the number of security clearance determinations for contractors that required more than one year to complete;

“(3) the agencies that investigated and adjudicated such determinations; and

“(4) the cause of significant delays in such determinations.”.

(b) **CONFORMING AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is further amended by inserting after the item relating to section 507 the following new item:

“Sec. 508. Report on security clearance determinations.”.

##### **Subtitle B—Other Matters**

#### **SEC. 311. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

#### **SEC. 312. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.**

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking “other” the second place it appears.

**SEC. 313. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.**

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

“(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and”.

**SEC. 314. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.**

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking “ten years” and inserting “15 years”.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking “five years” and inserting “10 years”.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting “including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents,” after “measures to protect the identities of covert agents,”.

**SEC. 315. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.**

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

“(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

“(C) In this paragraph, the term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

**SEC. 316. REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.**

(a) REPORT REQUIRED.—Not later than November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148; 119 Stat. 2739) and related provisions of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2600).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, the use of which has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commissions Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of the Department of Justice, including any office thereof, about the meaning or application of the Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, that portion of the report, and any associated material that is necessary to make that portion understandable, shall also be submitted by the Director of National Intelligence to the congressional armed services committees.

(e) CONGRESSIONAL ARMED SERVICES COMMITTEE DEFINED.—In this section, the term “congressional armed services committees” means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

**SEC. 317. INCORPORATION OF REPORTING REQUIREMENTS.**

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

**SEC. 318. REPEAL OF CERTAIN REPORTING REQUIREMENTS.**

(a) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking “(1)”; and

(2) by striking paragraph (2).

(b) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(c) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003

(Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(d) CONFORMING AMENDMENTS.—Section 507(a)(2) of the National Security Act of 1947 (50 U.S.C. 415b(a)(2)) is amended by striking subparagraph (D).

**SEC. 319. ENHANCEMENT OF CRITICAL SKILLS TRAINING PROGRAM.**

(a) NATIONAL SECURITY AGENCY.—Subsection (e) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

(b) OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—The National Security Act of 1947 is amended by inserting after section 1021 (50 U.S.C. 441m) the following new section:

“INTELLIGENCE COMMUNITY ACQUISITION OF CRITICAL SKILLS

“SEC. 1022. (a) IN GENERAL.—The head of an appropriate department may assign civilian employees of an element of the intelligence community that is a component of such appropriate department as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of such element of the intelligence community.

“(b) PAYMENT OF EXPENSES.—The head of an appropriate department may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (a), in any fiscal year only to the extent that appropriated funds are available for such purpose.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible for assignment under subsection (a), an employee of an element of the intelligence community must agree in writing—

“(A) to continue in the service of such element for the period of the assignment and to complete the educational course of training for which the employee is assigned;

“(B) to continue in the service of such element following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

“(C) to reimburse the United States for the total cost of education (excluding the employee's pay and allowances) provided under this section to the employee if, prior to the employee's completing the educational course of training for which the employee is assigned, the assignment or the employee's employment with such element is terminated either by such element due to misconduct by the employee or by the employee voluntarily; and

“(D) to reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee's employment with such element is terminated either by such element due to misconduct by the employee or by the employee voluntarily, prior to the employee's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee's pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

“(2) DEBT OWING THE UNITED STATES.—Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

“(3) REIMBURSEMENT.—

“(A) BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final

decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

“(B) RELEASE.—The head of an appropriate department may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in the discretion of such head of an appropriate department, such head of an appropriate department determines that equity or the interests of the United States so require.

“(C) MONTHLY PAYMENTS.—The head of an appropriate department shall permit an employee assigned under this section who, prior to commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee's employment with the element of the intelligence community that is a component of such appropriate department, to satisfy the employee's obligation under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

“(d) RECRUITMENT.—Efforts by an element of the intelligence community to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

“(e) INAPPLICATION OF PROVISIONS ON TRAINING.—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31, United States Code, shall not apply with respect to this section.

“(f) REGULATIONS.—A head of the appropriate department assigning employees in accordance with this section may issue such regulations as such head of the appropriate department considers necessary to carry out this section.

“(g) RULES OF CONSTRUCTION.—

“(1) COMPONENT.—For purposes of this section—

“(A) the Office of the Director of National Intelligence shall be considered a component of such Office; and

“(B) the Central Intelligence Agency shall be considered a component of such Agency.

“(2) REQUIRED EDUCATION PROGRAMS.—Nothing in this section shall be construed to modify, affect, or supercede any provision of law requiring or otherwise authorizing or providing for a training program described in this section.

“(h) APPROPRIATE DEPARTMENT DEFINED.—In this section, the term ‘appropriate department’ means—

“(1) with respect to the Office of the Director of National Intelligence, the Office of the Director of National Intelligence;

“(2) with respect to the Central Intelligence Agency, Central Intelligence Agency; and

“(3) with respect to an element of the intelligence community other than the Office of the Director of National Intelligence and the Central Intelligence Agency, the department of the Federal Government of which such element of the intelligence community is a component.”.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after the item relating to section 1021 the following new item:

“Sec. 1022. Intelligence community acquisition of critical skills.”.

#### SEC. 320. COMPREHENSIVE NATIONAL CYBERSECURITY INITIATIVE ADVISORY PANEL.

Not later than February 1, 2009, the President shall submit to Congress a report on options for creating an advisory panel comprised of rep-

resentatives of Congress, the Executive Branch, and the private sector to make policy and procedural recommendations for—

(1) information security for the Federal Government;

(2) critical infrastructure;

(3) the authorities, roles, responsibilities of the intelligence community, Department of Homeland Security, and Department of Defense for purposes of supporting the Comprehensive National Cybersecurity Initiative as described in National Security Policy Directive 54/Homeland Security Policy Directive 23 entitled “Cybersecurity Policy” signed by the President on January 8, 2008; and

(4) other matters related to paragraphs (1) through (3) as the President considers appropriate.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

##### SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403-3(e)) is amended—

(1) by striking “WITH” and inserting “OF HEADQUARTERS WITH HEADQUARTERS OF”;

(2) by inserting “the headquarters of” before “the Office”; and

(3) by striking “any other element” and inserting “the headquarters of any other element”.

##### SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence.”.

##### SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

Section 103E of the National Security Act of 1947 (50 U.S.C. 403-3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking “and” at the end; and

(C) by inserting after paragraph (4) the following:

“(5) assist the Director in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community;

“(6) submit to the congressional intelligence committees an annual report on the science and technology strategy of the Director that shows resources mapped to the goals of the intelligence community; and”;

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) by inserting “and prioritize” after “coordinate”; and

(ii) by striking “; and” and inserting “;”;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community; and”.

##### SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404a-1(a)) is amended—

(1) by striking “(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the” and inserting the following:

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—The”; and

(2) by adding at the end the following new paragraphs:

“(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

“(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.”.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

“(9) The Chief Information Officer of the Intelligence Community.

“(10) The Inspector General of the Intelligence Community.

“(11) The Director of the National Counterterrorism Center.

“(12) The Director of the National Counter Proliferation Center.”.

##### SEC. 405. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled “An Act to study and promote the use of energy efficient computer servers in the United States” (Public Law 109-431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

##### SEC. 406. SEMIANNUAL REPORTS ON NUCLEAR PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by title III, is further amended by adding at the end the following new section:

##### “SEMIANNUAL REPORTS ON THE NUCLEAR PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA

“SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not less frequently than every 180 days, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea, with regard to the nuclear programs of each such country.

“(b) CONTENT.—Each report submitted under subsection (a) shall include, with respect to the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea—

“(1) an assessment of nuclear weapons programs of each such country;

“(2) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence used to prepare the assessment described in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each such source;

“(3) a summary of any intelligence related to any such program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each such country; and

“(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment described in paragraph (1).



“(c) NATIONAL INTELLIGENCE ESTIMATE.—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, or the Democratic People's Republic of Korea in lieu of a report required by subsection (a) for that country.

“(d) FORM.—Each report submitted under subsection (a) may be submitted in classified form.”.

(2) APPLICABILITY DATE.—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by paragraph (1), shall be submitted not later than 30 days after the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after the item relating to section 508 the following new item:

“Sec. 509. Semiannual reports on the nuclear programs of Iran, Syria, and North Korea.”.

#### SEC. 407. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(2) in subsection (b), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(3) in subsection (c), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(4) in subsection (d), by inserting “of the Intelligence Community” after “Chief Information Officer”.

#### SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

##### “INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

“SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

“(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

“(2) recommend policies designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

“(B) to prevent and detect fraud and abuse in such matters;

“(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

“(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

“(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

“(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

“(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

“(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

“(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

“(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

“(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

“(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for, or on behalf of, any other element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of

the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

“(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event of a dispute between an Inspector General within an agency or department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the head of the agency or department for resolution.

“(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than 1 of its members.

“(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

“(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

“(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such de-

partment simultaneously with submission of the report to the congressional intelligence committees.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

“(3) In the event that—

“(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

“(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

“(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

“(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

“(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of 1 of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

“(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

“(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

“(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence

Program budget a separate account for the Office of Inspector General of the Intelligence Community.

“(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.”

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

“Sec. 103H. Inspector General of the Intelligence Community.”

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

“Inspector General of the Intelligence Community.”

#### SEC. 409. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) REPORT.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 406 of this Act, is further amended by adding at the end the following new section:

“REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

“SEC. 510. Not later than February 1 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the proficiency in foreign languages and, if appropriate, in foreign dialects of each element of the intelligence community, including—

“(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

“(2) an estimate of the number of such positions that each element will require during the 5-year period beginning on the date of the submission of the report;

“(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

“(A) military personnel; and

“(B) civilian personnel;

“(4) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

“(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

“(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

“(7) a description of such element's efforts to recruit, hire, train, and retain personnel that are proficient in a foreign language;

“(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

“(9) for each foreign language and, where appropriate, dialect of a foreign language—

“(A) the number of positions of such element that require proficiency in the foreign language or dialect;

“(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

“(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

“(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

“(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

“(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

“(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

“(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

“(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

“(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

“(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole; and

“(11) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant.”

(2) REPORT DATE.—Section 507(a)(1) of such Act (50 U.S.C. 415b(a)(1)) is amended—

(A) by redesignating subparagraph (N) as subparagraph (J); and

(B) by adding at the end the following new subparagraph:

“(K) The annual report on foreign language proficiency in the intelligence community required by section 510.”

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 509 the following new item:

“Sec. 510. Report on foreign language proficiency in the intelligence community.”

#### SEC. 410. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (e)”; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”; and

(B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

#### SEC. 411. NATIONAL INTELLIGENCE ESTIMATE ON WEAPONS OF MASS DESTRUCTION IN SYRIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on the history, status, and projected development of any weapons of mass destruction development program undertaken by the Government of Syria, or by any person on behalf of the Government of Syria.

(b) FORM.—The National Intelligence Estimate required under subsection (a) may be submitted in classified form.

#### SEC. 412. REPORT ON INTELLIGENCE RESOURCES DEDICATED TO IRAQ AND AFGHANISTAN.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on intelligence collection resources dedicated to Iraq and Afghanistan during fiscal years 2007 and 2008. Such report shall include detailed information on fiscal, human, technical, and other intelligence collection resources.

#### SEC. 413. OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES.

(a) *IN GENERAL.*—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103H, as added by section 409 of this Act, the following new section:

##### “OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES

“SEC. 103I. (a) *APPOINTMENT.*—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances.

“(b) *PROVISION OF INFORMATION.*—The head of an element of the intelligence community shall provide a person applying for a security clearance through or in coordination with such element with contact information for the ombudsman appointed under subsection (a).

“(c) *REPORT.*—Not later than November 1 of each year, the ombudsman appointed under subsection (a) shall submit to the congressional intelligence committees a report containing—

“(1) the number of persons applying for a security clearance who have contacted the ombudsman during the preceding 12 months; and

“(2) a summary of the concerns, complaints, and questions received by the ombudsman from persons applying for security clearances.”.

(b) *APPOINTMENT DATE.*—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances under section 103I(a) of the National Security Act of 1947, as added by subsection (a), not later than 60 days after the date of the enactment of this Act.

(c) *CONFORMING AMENDMENT.*—The table of contents in the first section of the National Security Act of 1947 is further amended by inserting after the item relating to section 103H the following new item:

“Sec. 103I. Ombudsman for intelligence community security clearances.”.

#### SEC. 414. SECURITY CLEARANCE RECIPROCITY.

(a) *AUDIT.*—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances in the intelligence community.

(b) *REPORT.*—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under subsection (a). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(1) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(2) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(3) a contractor seeking permanent employment with an element of the intelligence community.

#### SEC. 415. REPORT ON INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

(a) *REPORT.*—Not later than February 1, 2009, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing—

(1) the threat to national security presented by the efforts of foreign countries to acquire, through espionage, diversion, or other means,

sensitive equipment and technology, and the degree to which United States export controls (including the International Traffic in Arms Regulations) are adequate to defeat such efforts; and

(2) the extent to which United States export controls are well matched to the scope of the foreign threat such controls are designed to defeat and whether other means could more successfully defeat such threats.

(b) *FORM.*—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) *INTERNATIONAL TRAFFIC IN ARMS REGULATIONS DEFINED.*—The term “International Traffic in Arms Regulations” means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

#### SEC. 416. REPORT ON NUCLEAR TRAFFICKING.

(a) *REPORT.*—Not later than February 1, 2009, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the illicit trade of nuclear and radiological material and equipment.

(b) *CONTENTS.*—The report submitted under subsection (a) shall include, for a period of time including at least the preceding three years—

(1) details of all known or suspected cases of the illicit sale, transfer, brokering, or transport of nuclear or radiological material or equipment useful for the production of nuclear or radiological material or nuclear explosive devices;

(2) an assessment of the countries that represent the greatest risk of nuclear trafficking activities; and

(3) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (2).

(c) *FORM.*—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

#### SEC. 417. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) *STUDY.*—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel in the intelligence community who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) *REPORT.*—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

##### Subtitle B—Central Intelligence Agency

#### SEC. 421. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) *IN GENERAL.*—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b) is amended by—

(1) redesignating subsection (e) as subsection (g) and transferring such subsection to the end; and

(2) by inserting after subsection (d) the following new subsection:

“(e) *INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.*—

“(1) *IN GENERAL.*—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every 3 years. Such audits shall be conducted subject to the provisions of paragraphs (3) and (4) of subsection (b) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

“(2) *TERMINATED, SUSPENDED PROGRAMS.*—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspended prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

“(3) *REPORT.*—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.”.

(b) *CONFORMING AMENDMENTS.*—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking “503(e)” and inserting “503(g)”;

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking “503(e)” and inserting “503(g)”;

(3) in section 504(c) (50 U.S.C. 414(c)), by striking “503(e)” and inserting “503(g)”.

#### SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking “the Director of the Central Intelligence Agency.”.

#### SEC. 423. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking “Executive Director” and inserting “Associate Deputy Director”;

(2) in subclause (II), by striking “Deputy Director for Operations” and inserting “Director of the National Clandestine Service”;

(3) in subclause (III), by striking “Deputy Director for Intelligence” and inserting “Director of Intelligence”;

(4) in subclause (IV), by striking “Deputy Director for Administration” and inserting “Director of Support”;

(5) in subclause (V), by striking “Deputy Director for Science and Technology” and inserting “Director of Science and Technology”.

#### SEC. 424. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(2) by inserting “or in section 313 of such title,” after “subsection (a).”.

#### SEC. 425. PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OR CONTROL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) *PROHIBITION.*—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency shall not expend or obligate funds for payment to any contractor to conduct the interrogation of a detainee or prisoner in custody or under the effective control of the Central Intelligence Agency.

(b) *EXCEPTION.*—

(1) *IN GENERAL.*—The Director of the Central Intelligence Agency may request, and the Director of National Intelligence may grant, a written waiver of the requirement under subsection (a) if the Director of the Central Intelligence Agency determines that—

(A) no employee of the Federal Government is—

(i) capable of performing such interrogation; and

(ii) available to perform such interrogation; and

(B) such interrogation is in the national interest of the United States and requires the use of a contractor.

(2) **CLARIFICATION OF APPLICABILITY OF CERTAIN LAWS.**—Any contractor conducting an interrogation pursuant to a waiver under paragraph (1) shall be subject to all laws on the conduct of interrogations that would apply if an employee of the Federal Government were conducting the interrogation.

#### **Subtitle C—Defense Intelligence Components**

#### **SEC. 431. INTEGRATION OF THE COUNTERINTELLIGENCE FIELD ACTIVITY INTO THE DEFENSE INTELLIGENCE AGENCY.**

(a) **REPORT.**—Not later than November 1, 2008, the Under Secretary of Defense for Intelligence shall submit to the congressional intelligence and armed services committees a report outlining the process by which the Counterintelligence Field Activity is to be integrated into the Defense Intelligence Agency. Such report shall include—

(1) a description of the nature of any law enforcement authorities to be delegated to the Defense Intelligence Agency;

(2) the authority under which the delegation of authority referred to in paragraph (1) would occur; and

(3) the guidelines for the implementation of such law enforcement authorities.

(b) **CONGRESSIONAL INTELLIGENCE AND ARMED SERVICES COMMITTEES.**—In this section, the term “congressional intelligence and armed services committees” means—

(1) the Permanent Select Committee on Intelligence of the House of Representatives;

(2) the Select Committee on Intelligence of the Senate; and

(3) the Committees on Armed Services of the House of Representatives and the Senate.

#### **Subtitle D—Other Elements**

#### **SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting “the Coast Guard,” after “the Marine Corps.”; and

(B) by inserting “the Drug Enforcement Administration,” after “the Federal Bureau of Investigation.”; and

(2) in subparagraph (K), by striking “, including the Office of Intelligence of the Coast Guard”.

#### **SEC. 442. REPORT ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.**

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a report describing the Director’s long term vision for transforming the intelligence capabilities of the Bureau and the progress of the internal reforms of the Bureau intended to achieve that vision. Such report shall include—

(1) the direction, strategy, and goals for transforming the intelligence capabilities of the Bureau;

(2) a description of what the fully functional intelligence and national security functions of the Bureau should entail;

(3) a candid assessment of the effect of internal reforms at the Bureau and whether such reforms have moved the Bureau towards achieving the goals of the Director for the intelligence and national security functions of the Bureau; and

(4) an assessment of how well the Bureau performs tasks that are critical to the effective

functioning of the Bureau as an intelligence agency, including—

(A) identifying new intelligence targets within the scope of the national security functions of the Bureau, outside the parameters of an existing case file or ongoing investigation;

(B) collecting intelligence domestically, including collection through human and technical sources;

(C) recruiting human sources;

(D) training Special Agents to spot, assess, recruit, and handle human sources;

(E) working collaboratively with other Federal departments and agencies to jointly collect intelligence on domestic counterterrorism and counterintelligence targets;

(F) producing a common intelligence picture of domestic threats to the national security of the United States;

(G) producing high quality and timely intelligence analysis;

(H) integrating intelligence analysts into its intelligence collection operations; and

(I) sharing intelligence information with intelligence community partners.

### **TITLE V—OTHER MATTERS**

#### **Subtitle A—General Intelligence Matters**

#### **SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.**

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2442) is amended by striking “September 1, 2004” and inserting “December 31, 2009”.

(2) **EFFECTIVE DATE.**—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) **COMMISSION MEMBERSHIP.**—

(A) **IN GENERAL.**—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107-306; 116 Stat. 2438) (referred to in this section as the “Commission”) shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) **TECHNICAL AMENDMENT.**—Paragraph (1) of section 1002(b) of such Act is amended by striking “The Deputy Director of Central Intelligence for Community Management.” and inserting “The Principal Deputy Director of National Intelligence.”.

(4) **CLARIFICATION OF DUTIES.**—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking “including—” and inserting “including advanced research and development programs and activities. Such review shall include—”.

(b) **FUNDING.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make \$2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2437).

(2) **AVAILABILITY.**—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

#### **SEC. 502. AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.**

(a) **GENERAL CONGRESSIONAL OVERSIGHT.**—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by adding at the end the following new paragraph:

“(3) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees all information necessary to assess the lawfulness, effectiveness, cost, ben-

efit, intelligence gain, budgetary authority, and risk of an intelligence activity, including—

“(A) the legal authority under which the intelligence activity is being or was conducted;

“(B) any legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views;

“(C) any specific operational concerns arising from the intelligence activity, including the risk of disclosing intelligence sources or methods;

“(D) the likelihood that the intelligence activity will exceed the planned or authorized expenditure of funds or other resources; and

“(E) the likelihood that the intelligence activity will fail.”.

(b) **REPORTING ON ACTIVITIES OTHER THAN COVERT ACTIONS.**—Section 502 of such Act (50 U.S.C. 413a) is amended by adding at the end the following new subsection:

“(d) **DISTRIBUTION OF INFORMATION.**—

“(1) **REQUEST.**—Information or material provided in accordance with subsection (a) shall be made available to each member of the congressional intelligence committees, unless the President requests that access to the information or material be limited after determining that limiting such access is essential to meet extraordinary circumstances affecting vital interests of the United States. A request under this paragraph and the extraordinary circumstances referred to in this paragraph shall be detailed in writing to the Chair and ranking minority member of the congressional intelligence committees.

“(2) **DISTRIBUTION.**—If the President submits a request under paragraph (1), the Chair and ranking minority member of each congressional intelligence committee may jointly determine whether and how to limit access to the information or material within such committee. If the Chair and ranking minority member of such committee are unable to agree on whether or how to limit such access, access to the information or material will be limited. Any information or material to which access is limited shall subsequently be made available to each member of the congressional intelligence communities at the earliest possible time and shall include a detailed statement of the reasons for not providing prior access.”.

(c) **APPROVAL OF COVERT ACTIONS.**—Section 503(d) of the National Security Act of 1947 (50 U.S.C. 413b(d)) is amended—

(1) by striking “(d) The President” and inserting “(d)(1) The President”; and

(2) by adding at the end the following new paragraph:

“(2) For purposes of this subsection, an activity shall constitute a ‘significant undertaking’ if the activity—

“(A) involves the potential for loss of life;

“(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

“(C) results in the expenditure of significant funds or other resources;

“(D) requires notification under section 504;

“(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

“(F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.”.

#### **SEC. 503. REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.**

(a) **ANNUAL REPORTS.**—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking “SEMIANNUAL” and inserting “ANNUAL”; and

(2) in subsection (a)—

(A) in the heading, by striking “SEMIANNUAL” and inserting “ANNUAL”; and

(B) in the matter preceding paragraph (1)—

(i) by striking “semiannual basis” and inserting “annual basis”; and

(ii) by striking “preceding six-month period” and inserting “preceding year”; and

(C) by striking paragraph (2); and



(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) **CONFORMING AMENDMENT.**—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)(1), by adding at the end the following new subparagraph:

“(L) The annual report on financial intelligence on terrorist assets required by section 118.”; and

(2) in subsection (b), by striking paragraph (6).

**SEC. 504. NOTICE OF INTELLIGENCE REGARDING NORTH KOREA AND CHINA.**

Section 501 of the National Security Act of 1947 (50 U.S.C. 413) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) A notification to the congressional intelligence committees regarding intelligence information relating to North Korea or China after all or part of the information has been communicated to the governments of North Korea or China, respectively, shall not be construed to fulfill the duty under this title to keep the congressional intelligence committees fully and currently informed of the intelligence activities of the United States.”.

**SEC. 505. SENSE OF CONGRESS REGARDING USE OF INTELLIGENCE RESOURCES.**

It is the sense of Congress that the resources authorized under this Act should not be diverted from human intelligence collection and other intelligence programs designed to combat al Qaeda in order to study global climate change.

**Subtitle B—Technical Amendments**

**SEC. 511. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.**

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking “authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)” and inserting “authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a)”.

**SEC. 512. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.**

(a) **IN GENERAL.**—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking “FOREIGN”; and

(2) by striking “foreign” each place it appears.

(b) **RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.**—That section is further amended—

(1) in subsections (a) and (c), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) in subsection (b), by inserting “of National Intelligence” after “Director”.

(c) **CONFORMING AMENDMENT.**—The heading of that section is amended to read as follows:

“**SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.**”.

**SEC. 513. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.**

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended—

(1) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budget for the Military Intelligence Program or any successor program or programs”; and

(2) in subsection (d)(1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”.

**SEC. 514. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.**

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403-1)—

(A) in subsection (d)—

(i) in paragraph (3), by striking “subparagraph (A)” and inserting “paragraph (1)(A)”;

(ii) in paragraph (5)(A), by striking “or personnel” in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking “or agency involved” in the second sentence and inserting “involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”;

(B) in subsection (1)(2)(B), by striking “section” and inserting “paragraph”; and

(C) in subsection (n), by inserting “AND OTHER” after “ACQUISITION”.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking “subsection (h)” and inserting “subsection (i)”.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking “responsible” and inserting “responsive”.

**SEC. 515. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**

(a) **AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.**—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643) is amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking “Attorney General” the second place it appears and inserting “Department of Justice”.

(2) In section 1071(e), by striking “(1)”.

(3) In section 1072(b), in the subsection heading by inserting “AGENCY” after “INTELLIGENCE”.

(b) **OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting “of” before “an institutional culture”;

(B) in subsection (e)(2), by striking “the National Intelligence Director in a manner consistent with section 112(e)” and inserting “the Director of National Intelligence in a manner consistent with applicable law”; and

(C) in subsection (f), by striking “shall,” in the matter preceding paragraph (1) and inserting “shall”.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking “the Federal” and inserting “Federal”; and

(B) in paragraph (3), by striking “the specific” and inserting “specific”.

**SEC. 516. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.**

(a) **EXECUTIVE SCHEDULE LEVEL II.**—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

“Director of the Central Intelligence Agency.”.

(b) **EXECUTIVE SCHEDULE LEVEL III.**—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

“Deputy Director of the Central Intelligence Agency.”.

(c) **EXECUTIVE SCHEDULE LEVEL IV.**—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intel-

ligence Director and inserting the following new item:

“General Counsel of the Office of the Director of National Intelligence.”.

**SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.**

(a) **TITLE 5.**—Title 5, United States Code, is amended by striking “National Imagery and Mapping Agency” each place it appears and inserting “National Geospatial-Intelligence Agency”.

(b) **TITLE 44.**—Title 44, United States Code, is amended—

(1) in section 1336—

(A) in the heading, by striking “**National Imagery and Mapping Agency**” and inserting “**National Geospatial-Intelligence Agency**”; and

(B) by striking “National Imagery and Mapping Agency” each place it appears and inserting “National Geospatial-Intelligence Agency”; and

(2) in the table of sections at the beginning of chapter 13, by striking the item relating to section 1336 and inserting the following new item: “1336. National Geospatial-Intelligence Agency: special publications.”.

(c) **SECTION 201 OF THE HOMELAND SECURITY ACT OF 2002.**—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-759. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. REYES

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-759.

Mr. REYES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. REYES:

At the end of subtitle B of title III, add the following new section:

**SEC. 321. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.**

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit an element of the intelligence community from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a non-conventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a non-conventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

Page 70, line 3, strike "and".

Page 70, strike line 7 and insert the following: "dated or no longer relevant; and".

Page 70, after line 7 insert the following:

"(12) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element."

Page 72, line 18, insert "and analysis" after "collection".

Page 72, line 21, insert "and analysis" after "collection".

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Chairman, the revised Reyes/Murphy manager's amendment does several things. First, it makes clear that the intelligence community may enter into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or produced from a non conventional petroleum source provided that certain criteria are met. Some members of our committee were interested in addressing this issue, and we, Mr. Chairman, have done our best to handle it within the jurisdiction of our committee.

Second, we included an amendment offered by Mr. WELCH to require an assessment of the feasibility of employing individuals who have worked for the Federal Government in Iraq or Afghanistan as translators or interpreters. It fits very well with the committee's other reporting requirements on foreign languages. I believe it will be helpful to know whether the intelligence community can benefit from those individuals who have already served our government in Iraq or Afghanistan.

And finally, Mr. Chairman, the manager's amendment makes a technical correction to a report on intelligence resources devoted to Iraq and Afghanistan. This correction is designed to ensure that the report captures both collection and analysis resources.

So, with that, Mr. Chairman, I urge my colleagues to support the manager's amendment, and reserve the balance of my time.

□ 1415

Mr. HOEKSTRA. Mr. Chairman, I would like to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. While I will not oppose this amendment, I do want to note my concern that it includes substantive provisions that were not included in the amendment when it was originally submitted to the Committee on Rules.

On this side, we did not have an opportunity to review those provisions before the amendment was made in

order. I'm disappointed that in this case, the process that has been so successful in terms of working together was not continued. In the future, I hope that the process will be more transparent and enable a fair opportunity to review and understand the provisions that are being included in the manager's amendment before they are submitted to the Rules Committee and before we are required to go to the Rules Committee to testify.

We support the manager's amendment. We don't support the process. But we continue to work on the process and those things as we go through that.

With that, I will yield back the balance of my time.

Mr. REYES. Mr. Chairman, while we have no additional speakers, I just wanted to assure the ranking member that, as has been stated, like the bill, this is not a perfect bill. We're still working through the process, and I assure him we will continue to work together.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-759.

Mr. HOEKSTRA. Mr. Chairman, I would like to, as the designee of Mr. BLUNT, call forward the second amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

At the end of subtitle A of title V, add the following new section:

**SEC. 506. SENSE OF CONGRESS REGARDING COLOMBIAN PARAMILITARY ORGANIZATIONS.**

It is the sense of Congress that—

(1) the permanent defeat of the Revolutionary Armed Forces of Columbia (FARC), United Self-Defense Forces of Colombia (AUC), National Liberation Army (ELN), and other Colombian paramilitary organizations is in the national interest of the United States;

(2) the Colombian operation that liberated Americans Keith Stansell, Marc Gonsalves, and Thomas Howes and Ingrid Betancourt and 11 other Colombian hostages from the FARC on July 2, 2008, demonstrated the professionalism of Colombian security forces and intelligence operatives;

(3) intelligence and other cooperation by the United States has played a key role in developing and reinforcing the capabilities of the Government of Colombia to address terrorist and narcoterrorist threats;

(4) intelligence and other cooperation by the United States has significantly contributed to the continued success of the Government of Colombia in impacting the capabilities of terrorist and narcoterrorist groups that have threatened the national security of Colombia and the United States; and

(5) it is critical that such assistance continue in order to support the Government of Colombia in its efforts to continue to capitalize on those successes.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman

from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I strongly support this amendment. It was originally going to be offered by my colleague, the distinguished Republican whip. He was called to the White House, and I consider it an honor to move this amendment forward on his behalf.

The amendment highlights not only the absolute success of the Colombian Government in its rescue of American and Colombian hostages that had been held for years by a narcoterrorist organization, but also the clear successes of the Colombian Government's efforts after years of close cooperation with the United States.

I want to take this opportunity to commend President Uribe and the Armed Forces and the National Police of Colombia on their efforts on this rescue and their many successes in implementing Plan Colombia. The amendment emphasizes the strong need to continue our close cooperation to work towards finishing the job in Colombia. We will continue to follow these issues closely and carefully in the committee, and I appreciate the Whip's efforts to focus attention on this important issue.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I rise to claim the time in opposition to the amendment, but I support this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. REYES. This amendment expresses congressional support of Colombia in its most recent success against the FARC. I thank the minority leader for offering it.

The United States should support democratic nations in their efforts against violent terrorist groups such as FARC. We are all proud of the recent rescue of U.S. and Colombian hostages held by the FARC. This operation shows the strength, resourcefulness, and valor of the Colombian military. These qualities were developed through cooperation between the U.S. and Colombia.

In the past years, Colombia has made great strides against the FARC and greatly has reduced their strength. Republicans and Democrats alike have supported assistance to Colombia for the past decade. We must continue to do so.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Michigan has 4 minutes remaining. The gentleman from Texas has yielded back his remaining minutes.

Mr. HOEKSTRA. Mr. Chairman, at this time I would like to yield myself 1 minute.

Again, this is an amendment that talks about the success of the programs that we have been working on in a bipartisan basis with the Colombian Government, highlighted, of course, by the recent rescue of the American and Colombian and other hostages that had been held for years; but more importantly, we have worked in a participative way, in a collaborative way, in a number of different areas, on the diplomatic front, political front, and also on an intelligence and military front and continue to do that, not only to free the hostages but also to make a firm statement against narcotraffickers that the Colombian Government, the U.S. Government, and others are committed to stopping the narcotraffic which is kind of performing and acting as a cancer in both the United States and Colombia.

This amendment by Mr. BLUNT that I have the privilege of offering recognizes the participation and the work of the various governments, the various agencies, and the various individuals that have enabled this program to be successful.

With that, Mr. Chairman, I would like to yield 2 minutes to my colleague from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Mr. Chairman, I rise in support of this amendment.

If you travel in Latin America and you ask someone in Latin America who is America's best friend, who is America's most reliable partner and ally, they would say President Uribe of the Republic of Colombia.

Ladies and gentlemen, I'm here today to stand in support of this amendment that thanks America's best friend, America's most reliable and partnered ally, particularly on the war on narcotics and counterterrorism, and to thank them for the successful rescue of three Americans. And it was done without a shot being fired, without loss of life.

It was an incredible operation, an operation based on good intelligence, on good work by the Colombian military and the resources that had been made available thanks to the work of many in this Congress. That's good news, and we want to say thank you to our friend and ally.

You know, there's a reason that President Uribe today enjoys an approval rating of almost 90 percent. He's the most popular elected official in the entire Western Hemisphere. And that's because he's made tremendous progress in dealing with the FARC and the ELN and the paramilitaries, those who have threatened the peace and security of that great nation for the last four decades. He has made tremendous progress.

And his record is successful. You look at it. Poverty has decreased by 10 percent. Today, 40 percent of the national budget is spent on social needs,

as they made progress in bringing down violence. The murder rate has been reduced by 40 percent. In fact, for labor unionists, trade activists, trade union activists, it's down about 85 percent. Tremendous.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. WELLER of Illinois. I urge bipartisan support for this amendment.

Mr. HOEKSTRA. Mr. Chairman, I believe I have 1 minute remaining; is that correct?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. HOEKSTRA. I would like to yield my last minute to my colleague from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. I want to thank the sponsor of this sense of Congress.

We saw just a few weeks ago what happened in Colombia where the Colombian military and that democratically elected government freed a number of hostages, including Americans, that had been held hostage for over 5 years. If there's ever been a time when U.S. aid has been used effectively, we saw it just a few days ago.

It is time that this Congress stop criticizing the democratically elected government of Colombia. Stop criticizing the Colombian people and start putting the blame where the blame needs to be, and that is on those murderous FARC. The Colombian Government is doing an incredible job, a wonderful job fighting those narcoterrorist thugs murderers, and they're doing it with our help. It's great that we're finally going to commend them.

I hope that this is just the first step. I hope we pass a free trade deal with Colombia because they deserve it. The democracy in Colombia deserves it, and we cannot turn our back. I hope we also stop that cut to our friend Colombia that reduces the funding to the Government of Colombia.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

#### AMENDMENT NO. 3 OFFERED BY MR. HOLT

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-759.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HOLT:

At the end of subtitle A of title IV, add the following new section:

#### SEC. 418. MEMORANDUM TO HOLDERS OF NATIONAL INTELLIGENCE ESTIMATE ON IRAN.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall issue a memorandum to holders of the National Intelligence Estimate entitled "Iran: Nuclear Intentions and Capabilities" regarding any intelligence on the nuclear program of Iran that has been gathered or emerged since the publication of such National Intelligence Estimate in October, 2007.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I need not be long.

This is a straightforward, simple amendment that I hope will be without controversy. My amendment to the Intelligence Authorization Act would require the Director of National Intelligence to inform all recipients of the October 2007 National Intelligence Estimate on Iran's nuclear program of any new intelligence on this subject that has emerged since the publication last fall.

The October 2007 NIE was prepared with new and, I would say, improved procedures and provided us with insights into the status of the Iranian nuclear program. As you know, Mr. Chairman, the intelligence process is not static. This amendment is designed to ensure that Congress and others in the executive branch get the very latest information on Iran's nuclear program in a timely fashion and developed with good intelligence procedures.

I believe I have no other speakers, but I will reserve my time.

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent to take the time in opposition, although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Thank you, Mr. Chairman.

I support this amendment. In the committee, I offered a similar amendment that would have required a revised National Intelligence Estimate on Iran. The discovery of the al Kibar facility in Syria shortly after the original National Intelligence Estimate on Iran came out clearly suggested that prior assessments with respect to proliferation should be reviewed and re-evaluated and the confidence level reassessed.

The previous NIE on Iran was so poorly drafted and so seriously undermined by subsequent developments in intelligence that I thought it was necessary for the DNI to go back to the drawing board and start over. While my amendment was not successful, I believe that this amendment helps to address the issues I was attempting to raise.

Therefore, I will support this amendment.

I yield back the balance of my time  
Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

□ 1430

AMENDMENT NO. 4 OFFERED BY MR. HOEKSTRA

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-759.

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOEKSTRA:

At the end of subtitle A of title V, add the following new section:

**SEC. 506. JIHADISTS.**

None of the funds authorized to be appropriated by this Act may be used to prohibit or discourage the use of the words or phrases "jihadist", "jihad", "Islamofascism", "caliphate", "Islamist", or "Islamic terrorist" by or within the intelligence community or the Federal Government.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. At this time, I yield myself whatever time I may consume.

Mr. Chairman, I rise today in support of my amendment to prohibit the use of funds in this bill to discourage analysts from using the words "jihadist", "jihad", "caliphate", "Islamist" or "Islamic terrorist" by or within the intelligence community or the United States Government.

We are dealing with an enemy that speaks in no uncertain terms about its desire to attack our homeland and kill innocent Americans. In a statement released in March, Osama bin Laden said the following:

"God, make the mujahedin in Palestine, Iraq, Afghanistan, the Islamic Maghreb, the Arabian Peninsula, Somalia, Chechnya, and everywhere victorious. God, defeat our enemies of the Jews, the Christians, and their supporters."

More recently, in May bin Laden said the following:

"O youths of the generation: Jihad is the only way to liberate Palestine and al-Aqsa Mosque and to regain the orthodox caliphate, God willing."

Al Qaeda itself uses these terms to describe its fight against America, our allies, and moderate Muslims around the world. Why then would we prohibit our intelligence professionals from using the same words to accurately describe al Qaeda's stated goals?

Yet that is exactly what some in Washington are attempting to do. I was

dismayed to learn that over the past few months, intelligence bureaucrats at the State Department, the National Counterterrorism Center, and the Department of Homeland Security have issued memos imposing speech codes on how their employees can describe al Qaeda and other radical jihadist groups. They won't even be able to use the words these groups use themselves to describe themselves. These agencies within the intelligence community won't be able to use those words.

Mr. Chairman, free speech should not be controversial, nor should candid, accurate, and fair discussion of the self-professed goals of the terrorists that attack our homeland and have sworn to kill more Americans.

I find it more than ironic that some who have complained the loudest about politicization in the intelligence community would oppose this simple amendment to prevent the politically correct politicization of our Nation's intelligence community. We all know that political correctness can be the enemy of clarity.

We also know that radical jihadists have made repeated efforts to stifle free speech in the West, including the murder of Dutch film maker, Theo van Gogh, and frequent death threats against authors, cartoonists, and journalists.

Let's not give the radical jihadists a victory here by imposing a speech code on America's intelligence community.

With that, I will reserve the balance of my time.

Mr. REYES. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I oppose this amendment, which incidentally was offered in our committee but which was not agreed to.

For years, Members have come to this floor to talk about the need to win the hearts and minds of moderate Muslims. This was one of the central recommendations of the 9/11 Commission.

The Department of Homeland Security, the National Counterterrorism Center, and the State Department have issued careful guidance to their employees saying in effect, when you see the term "jihad" to describe a violent form of terrorism, you might be alienating those moderate Muslims who want to join us in the fight against terrorism.

The government must consider how its words will be interpreted by its audience. If Muslims around the world hear something other than what we want to say, we will simply not achieve our goals.

This is sensible guidance, not political correctness. Language is a strategic weapon in the war of ideas. We should, therefore, use it wisely. The administration has obviously realized this and has provided appropriate guidance.

Congress should not try to undermine this effort by sending contradictory messages about the use of these terms.

I oppose this amendment, Mr. Chairman.

I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Michigan has 2½ minutes remaining.

Mr. HOEKSTRA. At this time, I'd like to yield 1½ minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. This is the one thing that just has me scratching my head. Every day, analysts in the IC community will hear those words, "caliphate," "jihadist," "Muslim extremism," because those are the words of our enemy. And what we're telling this whole community, whose job it is to keep us informed and keep people who are going to do these intelligence investigations informed, is who they are, what they are, and how they use words, including coming up and briefing members of the State Department, ambassadors, and other things.

So what you're saying is no more free speech; we're going to hurt somebody's feelings. We don't want to say that terrorists are using words like "caliphate," they're using words like "jihad."

This is the craziest thing I have ever heard. It is political correctness that is dangerous.

If you ask the average American, should we shut down these people's use of the words in describing it to public officials, they will scratch their head and laugh. But that's exactly what you do when you create these artificial systems of the speech police.

Do you want them to walk around the halls and police those who may slip and use the word "jihadist" after quoting Osama bin Laden in trying to get somebody to understand the dangers that they pose to the United States of America?

I would just ask my colleagues, please, use a little common sense. This surpasses any, any commonsense test you can put together when it comes to free speech, number one, and accurately communicating between the powers that be, the intelligence community and policy-makers that need to have the same language that our enemy does to understand who they are and how dangerous they are.

Mr. REYES. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 3½ minutes remaining.

Mr. REYES. Mr. Chairman, with that, I will yield the gentledady from California (Ms. HARMAN), former ranking member of this committee, 2½ minutes.

Ms. HARMAN. I thank the chairman for yielding to me, and I commend him and the ranking member for crafting a very good bill. Many parts of this bill that reflect work we did together in

this committee in years past, and it's wonderful that we will act on it later this afternoon.

With respect to this amendment, I rise in reluctant opposition which I want to explain. I do understand the point that we should not be engaged in political correctness or censorship. I don't think my opposition is based on either of those things.

Former Defense Secretary Rumsfeld once wrote a snowflake which asked, Are we capturing and killing them faster than they are rising up against us? The answer was no, and it's still no.

It does matter that we try to win the argument, and not just with the next generation who could become suicide bombers or build the next lethal generation of IEDs, but we win the argument with moderate Muslims, many of whom live in the United States and want to help us.

And their guidance has gone into this guidance, published by the Homeland Security Department, which is that we not use language that inflames.

To the gentleman from Michigan, there is no prohibition in this to quoting the statements of Osama bin Laden and others who use these hateful words. Why would we want to censor that? The prohibition is directed at ourselves, words that will inflame the very communities we're trying to convince.

I would just close with the observation that if we had thought a little longer about using the phrase "axis of evil" we might have, it seems to me, engendered more cooperation on the part of some countries that have, sadly, moved far away from us, and engendered more cooperation on the part of populations which now look at America with disapproval.

Mr. HOEKSTRA. Mr. Chairman, I believe I have the right to close, so I will reserve the balance of my time.

Mr. REYES. Mr. Chairman, I will just yield myself the remainder of my time to say that this is not about political correctness. This is about recognizing that words matter and the way we use words matter, particularly to those that we're trying to influence and those that we're trying to bring over in this war of ideas.

I think it's important to recognize that, again, it's not about political correctness. It's about using common sense.

And with that, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

This is absolutely about political correctness. If we can't use the words that our enemies use to describe themselves and their activities, when they say jihad is the only way to liberate Palestine, and we go to local law enforcement, when we go to others in America and we describe the motivations and the intentions of those who wish to do us harm, I ask my colleagues, how do you expect the intelligence community to explain the behavior or the motiva-

tion of our enemies? Do we expect the intelligence community to say these are kind of bad people that may want to do us harm? We can't really use the words that they use to describe themselves because we've restricted the access of those words.

How will America understand the nature and the character of our enemy if we can't use the words that they use to describe themselves and we need to come up with a whole new language that is totally out of context with the enemy and the nature of the threat that we face today?

I urge my colleagues to support this commonsense amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. HINCHY) assumed the chair.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The Committee resumed its sitting.

AMENDMENT NO. 5 OFFERED BY MS. HARMAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-759.

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. HARMAN: At the end of subtitle A of title III, add the following new section:

#### SEC. 310. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled aerospace industry workforce is critical to the success of intelligence community programs and operations;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave the intelligence community without access to the intellectual capital and technical capabilities necessary to identify and respond to potential threats; and

(3) the Director of National Intelligence should work cooperatively with other agencies of the Federal Government responsible

for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to the intelligence community.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from California (Ms. HARMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. HARMAN. Mr. Chairman, I rise in support of the Harman-Ehlers amendment, and I'm pleased to be here on the House floor once again with my friend VERN EHLERS to call attention to a looming crisis in our aerospace industrial base.

I represent the heart of the space industrial base and have long called my district the satellite center of the universe. Most of the intelligence satellites built in the United States are built in my district, and that is why it was such an honor to serve for 8 years on the Intelligence Committee and why I'm so proud of the work the committee is doing.

I have always been mindful of the need for a skilled industrial base. Simply put, rocket scientists don't grow on trees.

Earlier this year, on a visit to a major aerospace firm in my district, there was a stark reminder of the crisis facing this industry.

□ 1445

Following a briefing on an important satellite program, I asked if any of the employees in attendance had anything to tell me. A 31-year-old engineer raised his hand and said, "All my peers are gone." Engineers his age, he explained, are leaving the aerospace industry for other fields, and very few are taking their place.

The problem is two-fold. More than 60 percent of aerospace industry workers are over 45, and 26 percent of them are eligible for retirement this year. So the result is a looming demographic cliff that leaves the intelligence community and the industry without the intellectual capital necessary to keep pace with global competitors. There are many reasons for this. Part of it is the training we give kids in secondary school. Part of it is Congress and the Department of Defense, who don't necessarily provide predictable funding streams.

We saw the results of our failure in the 1990s, when we declared a peace dividend, cut our procurement budgets, then tried to do defense procurement and satellite manufacturing on the cheap, and guess what happened? Launch failures, performance problems, and engineers abandoning the industry in droves. We have finally managed to regrow some of these specialties just at a time when, again, because of age and because other careers are more sexy, we may lose these people forever. This will hurt our national security. And this is why our amendment